

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

168I0073

HOUSE BILL NO. 1176

Introduced by: Representatives McCaulley, Begalka, Buckingham, Christensen, Craddock, Cutler, Davis, Dykstra, Frost, Garnos, Hackl, Haverly, Heineman, Hennies, Hunhoff, Juhnke, Klaudt, Koistinen, Konold, Kraus, LaRue, Lintz, Madsen, McCoy, McLaughlin, Murschel, Novstrup, O'Brien, Olson (Ryan), Pederson (Gordon), Rave, Rhoden, Rounds, Schafer, Sebert, Smidt, Solum, Teupel, Van Etten, Weems, Wick, and Williamson and Senators Bogue, Abdallah, Albers, Apa, Diedrich (Larry), Duniphan, Greenfield, Ham, Jaspers, Kelly, Koetzle, Koskan, LaPointe, McCracken, Moore, Napoli, Olson (Ed), Schoenbeck, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to require voters to provide identification before voting or
2 obtaining an absentee ballot.

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

4 Section 1. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Before a person makes an application for ballots, the voter shall present a form of personal
7 identification. The personal identification that may be presented shall be either:

- 8 (1) A South Dakota driver's license or nondriver identification card;
- 9 (2) A valid passport or an identification card, including a picture, issued by an
10 agency of the United States government;
- 11 (3) A tribal identification card, including a picture; or
- 12 (4) An identification card, including a picture, issued by an accredited institution



1 of higher education, including a university, college, or technical school, located
2 within the state of South Dakota.

3 Section 2. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If a voter is not able to present a form of personal identification as required by section 1 of
6 this Act, the voter may complete an affidavit in lieu of the personal identification. The State
7 Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form of the
8 affidavit. The affidavit shall require the voter to provide his or her name and address. The voter
9 shall sign the affidavit under penalty of perjury.

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

11 12-19-2. An absentee voter desiring to vote by mail may apply to the person in charge of the
12 election for an absentee ballot. The application or request shall be made in writing and be signed
13 by the applicant and state the applicant's place of voting residence and the reason for which the
14 ballot is requested. The application or request shall contain an oath verifying the validity of the
15 information contained in the application or request. The oath shall be administered by a notary
16 public or other officer authorized by statute to administer an oath. If the application or request
17 does not contain an oath, the application or request shall be accompanied by a copy of the voter's
18 identification card as required by section 1 of this Act. The application or request may be used
19 to obtain an absentee ballot for all elections in that calendar year conducted by the jurisdiction
20 receiving the application or request if so indicated. The ballot shall be sent to the voter's
21 residence, as shown in the voter registration file or any temporary residence address designated
22 in writing by the voter, at the time of applying for the absentee ballot. The State Board of
23 Elections shall promulgate rules, pursuant to chapter 1-26, to prescribe a form which delineates
24 the reasons for an absentee ballot request and allows the voter to indicate the proper reason for

1 the request. The person in charge of the election shall stamp the application with the date it was
2 received. The application may be made by letter or upon any form containing the required
3 information or upon any form prescribed by the State Board of Elections or the postcard form
4 referred to in § 12-4-8.1, executed by persons authorized in accordance with the Uniformed and
5 Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff) as of January 1, 2003.
6 The person in charge of the election shall preserve a record of the name, post office address, and
7 voting precinct of each applicant and, except as provided by § 12-19-45, deliver the record to
8 the superintendent of the election board of the home precinct of the applicant.

9 Section 4. That § 12-19-2.1 be amended to read as follows:

10 12-19-2.1. At anytime prior to an election, a voter may apply in person to the person in
11 charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. of the
12 day of the election. If the voter applies in person, the voter shall show the person in charge of
13 the election the voter's identification card as required in section 1 of this Act or complete the
14 affidavit as provided in section 2 of this Act.

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

20 Section 5. That § 12-19-9.1 be amended to read as follows:

21 12-19-9.1. If there is any nursing facility, assisted living center, or hospital as defined in
22 § 34-12-1.1 within any county from which there might reasonably be expected to be five or more
23 absentee applications, the county auditor shall notify the person in charge of that facility and the
24 chairman of the county central committee of each party and any other person who has filed a

1 request to be notified of the date and time at which representatives of the auditor's office will be
2 present to assist the residents of that facility to vote, utilizing the absentee procedure. Any
3 political party, independent candidate, and nonpolitical candidate may assign a person to
4 accompany the auditor's representatives. At the date and time announced, the auditor's
5 representative and the representatives of the parties, independent candidates, and nonpolitical
6 candidates shall deliver ballots to and assist all persons at that facility who desire such assistance
7 and who have applied for absentee ballots. This section applies only to a general election.

8 If a person in charge of an election conducts absentee voting at a nursing facility, assisted
9 living center, or hospital as defined in § 34-12-1.1, the identification and witnessed oath
10 requirements provided in section 2 of this Act are waived.

11 Section 6. This Act is effective on January 1, 2004.