

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

554J0548

HOUSE BILL NO. 1227

Introduced by: Representatives Bradford, Bartling, Burg, Elliott, Engels, Gassman, Hargens, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Thompson, and Van Norman and Senators Koetzle and Nachtigal

1 FOR AN ACT ENTITLED, An Act to repeal the requirement that the oath verifying absentee
2 ballots be administered by a notary public.

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

4 Section 1. That § 12-19-2 be amended to read as follows:

5 12-19-2. An absentee voter desiring to vote by mail may apply to the person in charge of the
6 election for an absentee ballot. The application or request shall be made in writing and be signed
7 by the applicant and state the applicant's voter registration address. The application or request
8 shall contain an oath verifying the validity of the information contained in the application or
9 request. ~~The oath shall be administered by a notary public or other officer authorized by statute~~
10 ~~to administer an oath.~~ If the application or request does not contain an oath, the application or
11 request shall be accompanied by a copy of the voter's identification card as required by
12 § 12-18-6.1. The application or request may be used to obtain an absentee ballot for all elections
13 in that calendar year conducted by the jurisdiction receiving the application or request if so
14 indicated. If the application or request is from a voter identified as being covered by the
15 Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1,



1 2003, an absentee ballot shall be provided to the voter for each federal election through the next
2 two general elections. The ballot shall be sent to the voter's residence, as shown in the voter
3 registration file or any temporary residence address designated in writing by the voter, at the
4 time of applying for the absentee ballot. The State Board of Elections shall promulgate rules,
5 pursuant to chapter 1-26, to prescribe the application or request form. The person in charge of
6 the election shall stamp the application with the date it was received. The application may be
7 made by letter or upon any form containing the required information or upon any form
8 prescribed by the State Board of Elections or the postcard form referred to in § 12-4-8.1,
9 executed by persons authorized in accordance with the Uniformed and Overseas Citizens
10 Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff) as of January 1, 2003. The person in
11 charge of the election shall preserve a record of the name, post office address, and voting
12 precinct of each applicant and, except as provided by § 12-19-45, deliver the record to the
13 superintendent of the election board of the home precinct of the applicant.