

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

447J0253

## SENATE BILL NO. 14

Introduced by: The Committee on Local Government at the request of the Office of the  
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain absentee voting procedures.

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

3 Section 1. 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 shall state the applicant's voter registration address. The application or  
7 request shall contain an oath verifying the validity of the information contained in the  
8 application or request. The oath shall be administered by a notary public or other officer  
9 authorized by statute to administer an oath. If the application or request does not contain an  
10 oath, the application or request shall be accompanied by a copy of the voter's identification card  
11 as required by § 12-18-6.1. The copy of the voter's identification card shall be maintained by the  
12 person in charge of the election. However, the voter's identification card is not available for  
13 public inspection. The application or request may be used to obtain an absentee ballot for all  
14 elections in that calendar year conducted by the jurisdiction receiving the application or request  
15 if so indicated. If the application or request is from a voter identified as being covered by the



1 Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1,  
2 ~~2003~~ 2004, an absentee ballot shall be provided to the voter for each federal election through  
3 the next two general elections. The ballot shall be sent to the voter's residence, as shown in the  
4 voter registration file or any temporary residence address designated in writing by the voter, at  
5 the time of applying for the absentee ballot. The State Board of Elections shall promulgate rules,  
6 pursuant to chapter 1-26, to prescribe the application or request form. The person in charge of  
7 the election shall stamp the application with the date it was received. The application may be  
8 made by letter or upon any form containing the required information or upon any form  
9 prescribed by the State Board of Elections or the postcard form referred to in § 12-4-8.1,  
10 executed by persons authorized in accordance with the Uniformed and Overseas Citizens  
11 Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff) as of January 1, ~~2003~~ 2004. The person  
12 in charge of the election shall preserve a record of the name, post office address, and voting  
13 precinct of each applicant and, except as provided by § 12-19-45, deliver the record to the  
14 superintendent of the election board of the home precinct of the applicant.

15 Section 2. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 An application for absentee ballot may be faxed to the person in charge of the election. The  
18 person in charge of the election shall make a fax number available to receive the application in  
19 a manner that ensures the security of the application. The faxed application shall be legible  
20 including the notary seal or copy of the voter's identification card as required by § 12-19-2. If  
21 the application is not legible and the voter has provided a telephone number, the person in  
22 charge of the election shall attempt to notify the voter.