

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

480L0156

SENATE BILL NO. 120

Introduced by: Senators Adelstein, Bartling, Dempster, Koetzle, and Two Bulls and
Representatives McCoy, Bradford, Pederson (Gordon), Valandra, and Van
Norman

1 FOR AN ACT ENTITLED, An Act to revise certain requirements related to the identification
2 of voters.

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

4 Section 1. That § 12-18-6.1 be amended to read as follows:

5 12-18-6.1. When a voter is requesting a ballot, the voter shall present a valid form of
6 personal identification. The personal identification that may be presented shall be either:

7 (1) A South Dakota driver's license or nondriver identification card;

8 (2) A passport or an identification card, including a picture, issued by an agency of the
9 United States government;

10 (3) A tribal identification card, including a picture; or

11 (4) An identification card, including a picture, issued by a high school or an accredited
12 institution of higher education, including a university, college, or technical school,
13 located within the State of South Dakota.

14 However, any person who is unable to present such personal identification but who is
15 known, by personal recognition and without doubt, by at least two members of the precinct



1 election board to be the person whose name appears on the precinct registration list is not
2 required to present such personal identification, is not required to prepare an affidavit under
3 § 12-18-6.2, and may vote as provided in § 12-18-7.1.

4 Section 2. That § 12-18-6.2 be amended to read as follows:

5 12-18-6.2. If a voter is not able to present a form of personal identification ~~as required~~ and
6 is not recognized by two members of the precinct election board as provided by § 12-18-6.1, the
7 voter may complete an affidavit in lieu of the personal identification. The State Board of
8 Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form of the affidavit.
9 The affidavit shall require the voter to provide his or her name and address. The voter shall sign
10 the affidavit under penalty of perjury.

11 Section 3. That § 12-18-6.3 be amended to read as follows:

12 12-18-6.3. The person making an application for ballots shall announce his or her name and
13 present his or her personal identification if required under § 12-18-6.1. A member of the
14 precinct election board shall then verify that the picture on the personal identification presented
15 under § 12-18-6.1 matches such person and that the name on the personal identification appears
16 on the ~~voter~~ precinct registration list pursuant to § 12-18-7.1. If the member cannot determine
17 from the personal identification presented that the person making an application for ballots is
18 the person listed on the ~~voter~~ precinct registration list, the member may consider other forms
19 of identification, personal knowledge and an explanation from the person making an application
20 for ballots to match that person's name to a name on the registration list. If identity cannot be
21 proven to the satisfaction of the member of the precinct election board or if the person making
22 an application for ballots is challenged on the basis of identity by a member or a poll watcher,
23 the person may vote a provisional ballot.