

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

636P0488

SENATE BILL NO. 78

Introduced by: Senators Jerstad, Katus, Kloucek, and Peterson (Jim) and Representatives Street, McLaughlin, Nygaard, and Thompson

1 FOR AN ACT ENTITLED, An Act to permit voters to register on election day at the polling
2 place.

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 Any applicant who is eligible to vote may register on election day by appearing in person
7 at the polling place for the precinct in which the applicant maintains residence. The applicant
8 shall answer questions and sign the oath as required by the State Board of Elections pursuant
9 to § 12-4-6 and complete the affirmation as required by § 12-18-40. If the applicant has
10 registered to vote pursuant to this section, signed the oath, and completed the affirmation, the
11 applicant may cast a provisional ballot pursuant to chapters 12-18 and 12-20.

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

14 A precinct deputy shall conduct voter registration at the polling place on election day. The
15 precinct deputy who registers an applicant at the polling place on election day may not handle



1 that applicant's ballot at any time prior to the opening of the ballot box. Registration cards and
2 forms for oaths shall be available at each polling place.

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

5 Each registration card completed on election day shall be forwarded to the county auditor.
6 The county auditor shall add the name of each applicant to the registration system unless the
7 information forwarded is substantially deficient. A county auditor who finds an election day
8 registration substantially deficient shall give written notice to the applicant whose registration
9 is found deficient.

10 Section 4. That § 12-20-5.1 be amended to read as follows:

11 12-20-5.1. Prior to the official canvass, the person in charge of the election shall determine
12 if the person voting by provisional ballot was legally qualified to vote in the precinct in which
13 the provisional ballot was cast. In making this determination, the person in charge of the
14 election shall consider the information provided on the affirmation and diligently investigate the
15 voter registration status of the person. If the person did not register to vote pursuant to section
16 1 of this Act and there is no evidence that a voter registration form had been completed by the
17 person showing a residence address in that precinct and returned to an official voter registration
18 site prior to the deadline to register to vote for the election, the provisional ballot is invalid.