**Disclaimer:** This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

**Note:** This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter’s contact information should follow-up be necessary.

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1. **Am I registered to vote?**

You can determine whether a voter is registered to vote by checking the South Dakota Secretary of State’s “Voter Information Portal” website (https://vip.sdsos.gov/viplogin.aspx).

2. **Where do I vote?**

You can determine a voter’s proper polling place by checking the “Voter Information Portal” website (https://vip.sdsos.gov/viplogin.aspx). NOTE: For the June 2, 2020 election, the number of polling places has been reduced in some places, so make sure to double check your polling location on the Secretary of State’s website or contact your county auditor directly.

If a voter has moved recently and has not updated their voter registration, the volunteer should refer to Question 6.

3. **When do the polls open and close?**
The polls must be open from 7 a.m. to 7 p.m. local time on Election Day. If you are a hotline volunteer or a field volunteer and a polling place is not open at 7 a.m., advise voters to stay at the polling location and contact your hotline captain/command center. A voter in line at the polling place by 7 p.m. must be allowed to vote. If you are a hotline volunteer or a field volunteer and a polling place prohibits those who were in line before 7 p.m. from voting, advise voters to stay at the polling location and contact your hotline captain/command center.

4. **When is/was the voter registration deadline?**

Voter registration applications must be received by the voter’s County Auditor 15 days before the election in which they intend to vote. For the June 2, 2020 Primary Election, the deadline is May 18, 2020. For the November 3, 2020 General Election, the deadline is October 19, 2020. A voter registration form is available online: [https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf](https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf).

5. **Can I vote without providing identification?**

Yes. Voters in South Dakota will be asked to show valid photo ID. However, if a voter is not able to show photo ID, they may sign an affidavit confirming their name and address and may vote a regular ballot.

Valid forms of identification include:

- A South Dakota driver’s license or a non-driver ID card;
- A passport or an identification card, including a picture, issued by an agency of the United States government;
- A tribal identification card, including a picture; or
- A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

If poll workers cannot determine from the personal identification presented that the voter is the person listed on the voter registration list, the poll worker may consider other forms of identification, personal knowledge and an explanation from the voter to match that person's name to a name on the registration list. If the voter’s identity cannot be proven to the satisfaction of the poll worker, or if the person making an application for ballots is challenged on the basis of identity by a poll worker or a poll watcher, the person may vote a provisional ballot.

6. **I have moved and I didn’t update my voter registration, can I vote?**

Any person whose name appears on the inactive registration list at a precinct may vote in any election following completion of an affirmation of the person’s address in South Dakota. If the voter has moved to a new address within South Dakota, the affirmation serves as a new registration.

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7. What should I do if there are equipment problems at my precinct?

Voters should immediately notify the election officers if the voting equipment breaks down. If the problem cannot be fixed in a timely manner, a voter should ask if an emergency paper ballot is available. If voting equipment is not functional, or emergency paper ballots are not available, contact your hotline captain or command center. They will then contact local elections officials to attempt to resolve the issue.

8. I am a registered voter who is not on the rolls at the precinct where I currently am. Can I vote where I am?

Yes. If a person’s name does not appear on the registration list, but the person does present an acknowledgment notice, a member of the precinct election board will contact the office of the county auditor to determine why voter is not on the rolls. If the voter’s name is listed on the rolls at another precinct, that voter has the option of either casting a provisional ballot at the present polling station or going to the precinct associated with the voter’s registration. If the county auditor determines that the voter’s name was erroneously omitted from the list, the voter may cast a regular ballot after completing an emergency voter card. If it is not possible to communicate with the office of the county auditor, the person may still vote after executing an emergency voting card.

9. My name isn’t popping up on the list of registered voters – could it have been removed?

Yes. There are a number of reasons as to why the voter’s name could have been removed. The election auditor regularly removes the names of those declared mentally incompetent, deceased, or serving a sentence for a federal or state felony conviction from the registration roles. A voter’s registration may also be removed if a voter has not voted, updated their address, or replied to a confirmation request in the last preceding four consecutive years and fails to reply to a verification request through the mail. The poll worker will consult their election official to check to see if the voter’s name is in another precinct, or was erroneously removed.

A voter’s name may also have been be moved to the inactive registration list, in which case that voter may vote on a regular ballot after completing an affirmation of the voter’s address in South Dakota.

If the voter’s name does not appear on the list of registered voters, the voter may cast a provisional ballot after completing an affirmation.

Note that you can take steps to help to determine why a voter’s name may not be appearing on the list of registered voters:

- Check the voter’s registration status using the registration lookup tool to make sure they are registered to vote and at the right place. (see Question 1)
- Has the voter moved recently? Could they be registered at an old address? Check that address in the registration lookup tool. (see Question 1 and Question 6)
• Has the voter changed their name recently, or could they be registered under a different name?
  Check that name (and any variations of the voter’s name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool. (see Question 1)
• When/where did the voter register to vote? Was that before the deadline? (see Question 4)

10. I have a criminal conviction. Can I vote?

Persons convicted of a felony on or after July 1, 2012

A person convicted of a felony in either federal or state court on or after July 1, 2012 loses the right to vote while they are serving their sentence. A person so disqualified becomes eligible to register to vote upon completion of their entire sentence. A person who receives a suspended imposition of sentence does not lose the right to vote.

Persons convicted of a felony on or before June 30, 2012:

For persons convicted of a felony in federal court, the following rules apply:
1. Individuals who are sentenced only to probation retain the right to vote.
2. Individuals who are sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who are sentenced to a term of imprisonment lose the right to vote for as long as the individual is serving a term of imprisonment, including supervised release.

For persons convicted of a felony in state court, the following rules apply:
1. Individuals who are sentenced only to probation retain the right to vote. A sentence of probation only may include fines, fees, restitution and other conditions associated with the sentence of probation.
2. Individuals who are sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who receive a suspended imposition of sentence retain the right to vote.
4. Individuals who receive a suspended execution of sentence to the adult state penitentiary system lose the right to vote during the term of the suspended sentence.
5. Individuals who receive a sentence to the adult state penitentiary system lose the right to vote during the term of imprisonment. The loss of voting rights continues as long as the individual is physically incarcerated or on parole.
6. Juveniles adjudicated as delinquent or as a child in need of supervision and sentenced to incarceration in a juvenile detention facility retain the right to vote once they have reached eighteen years of age.

11. I have been offered a provisional ballot. What should I do?

Inquire why the voter was offered a provisional ballot. If a voter (a) believes they are currently registered to vote in that precinct, but their name does not appear on the list of voters, (b) is successfully challenged under § 12-18-10, or (c) is otherwise denied the ability to vote, they may cast a provisional ballot.

An election worker must inform any person who is denied the ability to vote that the person may cast a provisional ballot.

12. I am a college student. Can I register to vote where I go to school?

Yes. As a college student, you have two choices on where you register to vote:
1. Where you live now, whether that is an on-campus or off-campus address.
2. Remain registered and vote at your prior home address, in South Dakota or your home state.
   You will have to vote absentee at the address you are registered.

Students may choose to register to vote at their campus address in South Dakota if they plan to return there after temporary absences, like summer break, but do not need to intend to reside at that address permanently.22

13. I am physically disabled and need assistance. Will my polling place be accessible?

Yes. Voters who have a physical disability may receive the assistance of any person who they select, including asking for assistance at the polling place.23 Voters can contact their local County Election Official before Election Day if special arrangements are needed. Federal law requires all polling places to be accessible. If you feel a polling place is inaccessible, the County Auditor should be contacted.

14. I am blind, physically disabled, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Any voter who by reason of physical disability or illiteracy is unable to read or mark a ballot may receive the assistance of any person whom such voter may select.24 Precincts with large Native American populations must have someone available who is proficient in both the local Sioux dialect and English to provide assistance.25

15. I don’t know how to use the voting equipment. Can I get help?

Yes. Any voter may request instruction in the proper operation of the system before entering the voting booth. No instructions may be given to the voter while in the voting booth. However, any voter using an electronic ballot marking system may request instruction in the proper operation of the system at any time. All instructions shall be given in such a manner that other persons in the polling place may observe it.26

16. Can I vote absentee or vote in person before election day?

Any registered voter may vote absentee in South Dakota.27 Voters may vote absentee up to 46 days prior to the election without having to provide a reason.28

Absentee voting may be done either in-person at the county auditor’s office, or by mail. To vote by absentee ballot, a voter must request an absentee ballot application from the County Election Official. The County Election Official will send a paper absentee ballot to the voter. The voter then completes the ballot and returns it to the County Election Official. The County Election Official must receive the application for an absentee ballot no later than 5 p.m. the day before the election. The absentee ballot must be delivered to the counting board at the polling location by 7 p.m. on Election Day.29 Late ballots will not be counted.30

In the event of confinement because of sickness or disability, a qualified voter may apply in writing and obtain an absentee ballot by authorized messenger. An authorized messenger delivers the ballot from the County Election Official to the qualified voter and then delivers the marked ballot to the County Election Official. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election.31
17. What if I requested an absentee ballot but I want to vote in person on Election Day?

If you want to vote in person at the polls on Election Day and have not cast the absentee ballot, you can vote by regular ballot. If you have cast your absentee ballot, you may not vote an additional ballot. If you believe that the information of the precinct supervisor/deputy as to the return of your absentee ballot is incorrect and you did not cast the absentee ballot, you may vote by provisional ballot. 32

18. Does my state have Same Day Registration? If so, what is the process?

No, South Dakota does not have Same Day Registration. The deadline to register to vote is **15 days before an election – May 18, 2020 for the June 2, 2020 Primary Election, and October 19, 2020 for the November 3, 2020 General Election**. 33

19. What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?

Electioneering activities such as the use of a public address system, the display of campaign materials or any other means of soliciting votes within 100 feet of the entrance leading into a polling place are prohibited and can be punished as a criminal misdemeanor. 34 However, each candidate may have a set number of poll watchers positioned in a location where they can plainly see and hear what is done within the polling place. 35

20. Someone is formally challenging my right to vote. What do I do?

A member of the precinct election board or a poll watcher may challenge a person’s vote only as to the person’s identity as the person whom they claim to be, or on the grounds that the person has been convicted of a felony or declared mentally incompetent in the 15 days preceding the election. 36 If this challenge is upheld by the precinct superintendent and precinct deputies, then the voter may still case a provisional ballot. 37

21. Can I vote in the primary election?

No person may vote a party ballot at any primary election unless the person is registered as a member of that political party in the precinct in which the person seeks to vote. 38 The Democratic Primary in South Dakota is open to registered Democrats and Independents or those voters with no party affiliation, but it is not open to Republicans. The Libertarian Primary in South Dakota is open to registered Libertarians and Independents or those voter with no party affiliation. The Republican Primary in South Dakota is closed, meaning only voters who have registered as Republicans may vote in the Republican primary election. 39

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1 S.D. Codified Laws § 12-2-3.
2 S.D. Codified Laws § 12-2-3.
3 [https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf](https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf).
6 S.D. Codified Laws § 12-18-6.1
7 S.D. Codified Laws § 12-18-6.3.
8 S.D. Codified Laws § 12-18-7.4.
9 [https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf](https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf).
12 S.D. Codified Laws § 12-4-18.
13 S.D. Codified Laws § 12-4-19.
14 [https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf](https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf).
16 S.D. Codified Laws § 12-18-39; [https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf](https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf).
17 S.D. Codified Laws § 12-4-18.
21 S.D. Codified Laws § 12-18-39. “Prior to the official canvass, the person in charge of the election shall determine if the person voting by provisional ballot was legally qualified to vote in the precinct in which the provisional ballot was cast. In making this determination, the person in charge of the election shall consider the information provided on the affirmation and diligently investigate the voter registration status of the person. If there is no evidence that a voter registration form had been completed by the person showing a residence address in that precinct and returned to an official voter registration site prior to the deadline to register to vote for the election, the provisional ballot is invalid.” S.D. Codified Laws § 12-20-5.1.
22 S.D. Codified Laws § 12-1-4.
25 S.D. Codified Laws § 12-3-10.
26 S.D. Codified Laws § 12-17B-7.
28 S.D. Codified Laws § 12-19-1.2.
30 Id.
32 [https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf](https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf).
33 [https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf](https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf)
34 S.D. Codified Laws § 12-18-3.
38 S.D. Codified Laws § 12-6-26.