

Frequently Asked Questions

South Dakota – General Election 2024

Last Updated: 10/8/2024

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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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REGISTERING TO VOTE

1. **ELIGIBILITY:** [Can I register to vote?](#)

A person who meets the requirements listed below may register to vote:

- Be a United States citizen.¹
- Maintain residence in South Dakota for at least thirty (30) days prior to registration.²
- Be at least 18 years old on or before the next election.
- Not currently serving a sentence for a felony conviction. (See [Question 12](#) and [Question 13](#) for details, including variations re: convictions prior to July 1, 2012.)
- Not be judged mentally incompetent by a court of law.³

¹ [South Dakota Constitution, Article VII, Section 2](#), S.D. Codified Laws § 12-3-1.

² S.D. Codified Laws §§ 12-4-1, 12-4-1.2. (Per SB 139, SB 140, enacted 2023.)

³ <https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>, S.D. Codified Laws § 12-4-18.

Residence means the place in which a person is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode to which the person returns after a period of absence.

- A person who leaves the residence and goes into another county of South Dakota or another state or territory for a temporary purpose has not changed residence.
- A person is considered to have gained residence in any county or municipality of South Dakota in which the person actually lives, if the person has no present intention of leaving.
- A person retains residence in South Dakota until another residence has been gained. If a person moves from South Dakota to another state or territory, with the intention of making it the person's permanent home, the person loses residence in South Dakota.⁴

A U.S. citizen who resides outside the territory of the United States, referred to as an "overseas citizen," may register to vote in South Dakota elections if the overseas citizen or their spouse or parent⁵ was last domiciled in South Dakota immediately before leaving the United States, does not maintain a domicile nor voter registration in another state, and is otherwise qualified to vote. The overseas citizen who meets these qualifications may register and vote absentee in the county and election precinct where they resided immediately before leaving the United States.⁶ See [Question 11](#).

2. **PRIMARY ELECTION:** [Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?](#)

In a primary election, the voter is given only the ballot for the party in which the voter is registered, except, in some cases, for voters registered as an Independent or No Party Affiliation (NPA).

- The South Dakota Democratic Primary is open to registered Democrats and Independents/No Party Affiliation (NPA) voters, but not Republicans.
- The South Dakota Libertarian Primary is open to voters registered as Libertarian, Independent or No Party Affiliation (NPA).
- The South Dakota Republican Primary is open to only registered Republicans.
- Information on the No Labels Primary will be available after their bylaws are submitted. As of June 17, 2024, this information was not available.⁷

The primary elections have already passed for the 2024 general election.

3. **STATUS:** [Am I registered to vote?](#)

⁴ S.D. Codified Laws § 12-1-4.

⁵ S.D. Codified Laws § 12-4-4.4, 12-4-4.5.

⁶ See <https://sdsos.gov/elections-voting/voting/overseas-citizen-voter.aspx>, S.D. Codified Laws §§ 12-4-4.3, 12-4-4.4, 12-4-4.5. Overseas citizens who have never resided in the United States but have a parent, legal guardian or spouse who last resided in South Dakota may be eligible to register to vote in South Dakota. See <https://www.fvap.gov/citizen-voter/reside>.

⁷ <https://sdsos.gov/elections-voting/upcoming-elections/general-information/default.aspx>. Regarding eligibility to vote in the PAST June 2024 primary (not applicable to the November 2024 general election), see <https://sdsos.gov/elections-voting/upcoming-elections/general-information/recognized-political-parties.aspx> and <https://sdsos.gov/elections-voting/assets/2024%20Assets/2024HowToVotePrimarySD.PDF>.

A voter can determine whether they are registered to vote by checking the South Dakota Secretary of State's "Voter Information Portal" website. (<https://vip.sdsos.gov/viplogin.aspx>) Voter must provide:

- their first and last name exactly as it appears on the voter's registration form, AND
- the voter's date of birth, OR
- the voter's residential address zip code.

Voters are instructed not to provide both their date of birth and their residential zip code.

The master voter registration file maintained by the county auditor (i.e., the file of voters in computer format that contains the information of each person registered in each voting precinct within the county) is open to public inspection during office hours, though public access is prohibited to voters' Social Security numbers, drivers' license numbers and birth dates. However, any information obtained from the statewide or county voter registration files may only be used or sold *for election purposes*, **not** for any commercial purpose. The information may not be placed for unrestricted access on the internet. (Campaign and political polling activities are not deemed to be commercial purposes.)⁸

4. **HOW:** [How do I register to vote?](#) [Can I register online?](#) [Do I need a printer?](#) [Can I register to vote in person?](#)

[How do I register to vote?](#)

An eligible voter can register to vote by visiting the South Dakota Secretary of State's "Elections & Voting" website page titled "[Register to Vote](#)".

The voter will need access to a printer, as the application must be printed out on paper. Following the online link, the voter must print the Voter Registration Form, fill out the form (see [Question 5](#) for required ID information), sign it and then submit it to their county auditor either by in-person delivery or by mail (but **not** by fax or email). The voter's registration form with an original signature must be **received** by the county auditor 15 days before an election (*i.e.* by 5 p.m. on October 21, 2024 for the November 5, 2024 general election)⁹ for the voter to vote in that election.

South Dakota law does not allow voters to submit their voter registration form via fax, nor online, except that some overseas and military voters or military spouses or children living away from home may use the state's online portal as discussed below.

Voters may also obtain and submit voter registration applications in person at the following locations in South Dakota:

- [County auditor's office](#);
- Driver's license station (when a voter is renewing or applying for a South Dakota driver's license, the voter may also register to vote on the driver's license application);
- City Finance Office;
- Public assistance agencies providing food stamps (SNAP), TANF or WIC benefits;
- Department of Human Services offices that provide assistance to disabled persons; or
- Military recruitment offices.¹⁰

⁸ S.D. Codified Laws §§ 12-4-9, 12-4-41.

⁹ S.D. Codified Laws § 12-4-5; SD Secretary of State [2024 Election Calendar](#).

¹⁰ <https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>

After reviewing each voter registration application, the county auditor must send an acknowledgment notice by nonforwardable mail either accepting the application or denying it and providing a 30-day deadline to submit corrected information to the county auditor.¹¹

(See [Question 74](#) for reasons why an existing registration might be revoked or placed on the inactive list and notices that may be sent by nonforwardable mail calling for a response from the voter.)

If the voter has obtained an active protection order against domestic violence or stalking, or if the voter's residence is a shelter for survivors of domestic violence, the voter may register under a "secured active designation" that prohibits public viewing of the voter's registration information.¹²

If the voter is a member of the military or an overseas citizen covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) they can access voter registration procedures available only to overseas citizens and members of the U.S. military and their spouses and children (if away from home) at fvap.gov/south-dakota. See <http://fvap.gov/south-dakota> and [Question 11](#) below for details about the UOCAVA process. Military voters may be able to get help from their local Installation Voter Assistance Office or Service Voting Action Officer. See <https://www.fvap.gov/military-voter> .

A South Dakota voter who is eligible to proceed under UOCAVA and who has a valid South Dakota driver's license or non-driver ID may register to vote electronically using the state portal at <https://elvr.sdsos.gov/>. **Otherwise they must still submit their voter registration application by mail.**¹³

NOTE: Voters who are registered with a particular political party are only allowed to vote in primary elections for that party, with a few exceptions. See [Question 2](#) for details.

If a voter files a new registration form to change their registration and does not fill in a party affiliation, then if they registered with a party affiliation previously, it will stay the same as before. A person registering for the first time who leaves the party blank will be registered as having no party affiliation.¹⁴

5. **IDENTIFICATION:** [What ID is required to register to vote?](#)

Voters in South Dakota are not required to show photo ID to register to vote, but they must include their valid South Dakota driver's license number or South Dakota non-driver identification number on their voter registration form if they have one. If a voter does not have a valid South Dakota driver's license or South Dakota non-driver identification number, they must provide the last four digits of their social security number on their voter registration form. If a voter has none of these, then the voter may only register to vote at the County Auditor's Office and must sign a statement verifying that the voter does not have any of the above listed IDs.¹⁵

See [Question 11](#) for rules affecting overseas citizens and South Dakota voters away from home serving in the military.

¹¹ S.D. Codified Laws § 12-4-5.3, S.D. Administrative Rule 5:02:03:14.

¹² S.D. Codified Laws § 12-4-9.2; S.D. Administrative Rules 5:02:03:28 and 5:02:03:29.

¹³ <https://elvr.sdsos.gov/>, <https://www.fvap.gov/guide/chapter2/south-dakota>.

¹⁴ S.D. Codified Laws § 12-4-15.

¹⁵ S.D. Codified Laws § 12-4-5.4; S.D. Administrative Rule 5:02:03:21.

6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

For all methods of registration (whether by mail or in person), voter registration applications must be **received** by the voter’s County Auditor 15 days before the election in which they intend to vote (i.e. by 5:00 p.m. local time on October 21, 2024 for the November 5, 2024 general election).¹⁶ A voter registration form is available online:

<https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf>.

([South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines.)

Although the voter registration application form may be accessed online, South Dakota law does NOT permit the actual voter registration form to be submitted online. A voter who fills out a registration application at home must print it out on paper and mail or hand-deliver it to the local County Auditor’s office.

(Online voter registration is only available to those military and overseas citizen voters who meet the ID requirements and other criteria to register through South Dakota’s special portal under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). See [Question 4](#) and [Question 11](#).)

7. **SAME DAY:** Does my state have Same Day Registration? If so, what is the process?

No, South Dakota does not have Same Day Registration.¹⁷ The deadline to register to vote is 15 days before an election (i.e. October 21, 2024 for the November 5, 2024 general election).¹⁸

8. **PERMANENT MOVE:** I have moved permanently and I didn’t update my voter registration, can I vote?

Any person whose name appears on the inactive voter 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.¹⁹

If the voter has moved within South Dakota, the voter must re-register to vote by completing a new voter registration form, which the voter can download and print at <https://sdsos.gov/elections-voting/assets/VoterRegistrationFormFillable.pdf>. The voter should fill out the “Previous Voter Registration Information Required” section including the voter’s old address, county, and driver’s license number.²⁰ Any re-registration must be received by the voter’s County Auditor 15 days before the election (i.e. October 21, 2024 for the November 5, 2024 general election).

If the voter did not update their South Dakota registration address 15 days or more before the election, they may be able to vote, but should still update their registration to their current address.

¹⁶ <https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>; S.D. Codified Laws § 12-4-5; S.D. Secretary of State [2024 Election Calendar](#).

¹⁷ [Potential Ballot Questions: South Dakota Secretary of State \(sdsos.gov\)](#)

¹⁸ <https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>; S.D. Codified Laws § 12-4-5; S.D. Secretary of State [2024 Election Calendar](#).

¹⁹ S.D. Codified Laws § 12-18-7.4; 2024 [Election Day Precinct Manual](#) Page 9.

²⁰ [Voting: South Dakota Secretary of State \(sdsos.gov\)](#)

For a voter who has moved permanently without changing registration:²¹

Moved to a new address in the same precinct where previously registered:	Moved to a different precinct within South Dakota:	Moved to South Dakota from a different state, did not yet register in South Dakota:
The voter will be able to vote in the precinct where they were originally registered.	The voter will be able to vote in the precinct where they were originally registered, but will not be able to vote in the precinct for their new address.	The voter will not be able to vote in the election. They should register to vote in South Dakota to be eligible to vote in the next election.

Caution: a voter trying to vote in a precinct where they are not registered can request and submit a provisional ballot, but a provisional ballot may only be counted if it was cast in the correct precinct for the residence address that appeared on that voter’s registration form.²²

Check if the voter might be registered in one of the small number of “[Vote Center Counties](#),” where voters anywhere in the jurisdiction may be able to vote in any of several “Vote Centers.” See [Question 16](#) for more information on Vote Center Counties and check local rules.

For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

For voters who have lost their housing or who have no permanent home, see [Question 82](#).

9. TEMPORARY MOVE: I have moved temporarily. How can I vote?

Any registered voter may request an absentee ballot but one will only be provided if it is correctly requested. See guidance below for voting by mail starting at [Question 31](#) and for absentee voting (which is the same thing in South Dakota) starting at [Question 49](#). There is no emergency absentee ballot process but a regular absentee ballot request may be made until the day before the election. See [Question 52](#).

For members of the U.S. military, U.S. military family members away from home, and overseas citizen voters see [Question 11](#).

10. STUDENT: I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

Yes. College students who are South Dakota residents have two choices²³ on where to register to vote:

1. Register where the student currently lives, whether that is an on-campus or off-campus address, or

²¹ Contents of chart per email from Rachel Soulek, Director, Division of Elections, Office of SoS, Jan. 2024.

²² S.D. Codified Laws § 12-20-5.1, <https://sdsos.gov/elections-voting/assets/ProcessingProvisionalBallotsBytheCountyAuditor.pdf>.

²³ <https://sdsos.gov/elections-voting/voting/college-students.aspx>.

2. Remain registered and vote at the student's prior home address in South Dakota..

Students from other states may choose to register to vote in South Dakota or to vote absentee in their home state if qualified to do so in their home state.

For definitions of residency see [Question 1](#).

For details on absentee voting see the sections on voting by mail starting at [Question 31](#) and on absentee voting (the same thing in South Dakota) starting at [Question 49](#).

11. **LIVING ABROAD: I am living abroad and/or serving in the military. How can I register and/or vote?**

An overseas citizen²⁴ or a voter serving in the U.S. military must be registered to vote to request an absentee ballot for South Dakota absentee voting. The voter may submit a voter registration form and an absentee ballot application together, but if the voter is registering to vote or updating their voter registration, the voter must mail the original form to their County Auditor's office.

Overseas and military citizens and eligible members of military families²⁵ can use the Federal Post Card Application (FPCA) to both register to vote and request their absentee ballots under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).²⁶ [FVAP.gov](#) offers an FPCA online assistant that guides users through the form completion process, as well as a fillable PDF form of the FPCA for download (available at <https://www.fvap.gov/fpca-privacy-notice>). **NOTE: The process will require a printer.**²⁷ Instructions and forms are available at <https://www.fvap.gov/south-dakota>.

Overseas citizens who have never resided in the United States but have a parent, legal guardian or spouse who last resided in South Dakota may be eligible to register to vote in South Dakota. See <https://www.fvap.gov/citizen-voter/reside>.

There are two ways to request an absentee ballot under UOCAVA, depending what kind of ID the voter has:

- 1) If the voter possesses a current, valid South Dakota driver's license or non-driver ID card and is eligible to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the voter may use South Dakota's Uniformed and Overseas Citizens Electronic Voter Registration Portal to request an absentee ballot electronically at <https://elvr.sdsos.gov/>. A voter using the portal may request that their absentee ballot be sent by mail or by email.²⁸

²⁴ An overseas citizen is a citizen of the United States residing outside U.S. territory. S.D. Codified Laws § 12-1-4.3. See <https://www.fvap.gov/citizen-voter/reside>.

²⁵ Spouses and children who live away from their voting residence can request an absentee ballot using the Federal Post Card Application (FPCA). However, if they currently live where they are registered to vote, then they are not covered by UOCAVA and should vote at the local polls, or may request an absentee ballot under generally applicable state law. <https://www.fvap.gov/guide/appendix/faq>.

²⁶ S.D. Codified Laws §§ 12.1.4.2 - 12.1.4.12; 52 U.S. Code § 20301 et seq.

²⁷ <https://sdsos.gov/elections-voting/voting/military-members.aspx> and <https://sdsos.gov/elections-voting/voting/overseas-citizen-voter.aspx>.

²⁸ S.D. Codified Laws § 12-19-2; <https://www.fvap.gov/guide/chapter2/south-dakota>

- 2) If the voter does **not** possess a current, valid South Dakota driver’s license or non-driver ID card, the voter may submit an absentee ballot application following the instructions at the [Overseas Citizen Voter](#) and [Military Members](#) pages on the Secretary of State’s site as follows:
 - (i) Complete, print and sign the Absentee Ballot Application (available at https://sdsos.gov/elections-voting/assets/AbsenteeApplication_202012.PDF);
 - (ii) Sign the application, stating whether the voter prefers to receive the ballot by mail or by email. (Note: the requirement for a photo ID and/or notarization apparently is waived for overseas citizens and military UOCAVA voters residing outside of the United States – but UOCAVA voters temporarily living elsewhere within the U.S. may want to check with their local South Dakota election officials about this requirement.)²⁹;
 - (iii) Send the application to the County Auditor for the voter’s county of registration by mail, fax, or a signed and scanned image of the application via email.³⁰

Whether the voter receives the absentee ballot by mail or by email, the completed ballot must be sent back to the correct [local election office](#) by mail and must arrive there by Election Day – so, for the 2024 general election, it must arrive at the local election office by 7 p.m. local time on November 5, 2024.

If the election is a local election not being run by a county auditor, it might not be possible to obtain the absentee ballot electronically.³¹

Although this email and fax process exists for absentee ballot requests by UOCAVA South Dakota voters who are not eligible to use the portal at <https://elvr.sdsos.gov/>, [voter registration applications for people ineligible to use the portal must still be sent to the correct county auditor by mail.](#)³²

If a UOCAVA voter has submitted an absentee ballot application but has not received the absentee ballot, they may submit a Federal Write-In Absentee Ballot (FWAB) to vote in federal races only. The FWAB may be accessed at the Federal Voting Assistance Program’s website at <https://www.fvap.gov/eo/overview/materials/forms>. The instructions on the site will take the voter through the process step by step. **NOTE: The FWAB may only be used to vote in Federal races.**

South Dakota’s [County Auditor guidance on absentee ballots](#) includes substantial UOCAVA procedural instructions.

Military voters may be able to get help from their local Installation Voter Assistance Office or Service Voting Action Officer. See <https://www.fvap.gov/military-voter> .

12. **CRIMINAL CONVICTION:** I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?

Check the resources at Campaign Legal [Restore Your Vote](#) for latest information.

²⁹ S.D. Codified Laws §§ 12-4-4.6, <https://sdsos.gov/elections-voting/voting/military-members.aspx> and <https://sdsos.gov/elections-voting/voting/overseas-citizen-voter.aspx> but compare S.D. Codified Laws § 12-19-2 and S.D. Administrative Rules 5:02:10:01.02.

³⁰ S.D. Codified Laws §§ 12-19-2.3; S.D. Administrative Rules 5:02:10:01.02.

³¹ S.D. Administrative Rules 5:02:10:06.

³² <https://www.fvap.gov/guide/chapter2/south-dakota>; <https://elvr.sdsos.gov/> and see [Question 4](#).

For South Dakota, the answer is maybe. The specific answer depends on several criteria, including when the person was incarcerated.

A person in the following situation has the right to vote: is awaiting trial for a felony conviction; has been sentenced to only pay a fine, fee, or restitution;³³ or has received a suspended imposition of a sentence.³⁴ A suspended imposition of a sentence is a deferred adjudication that is only available for people with no prior convictions, and a person can be placed on probation and later discharged with no adjudication of guilt through the suspended imposition.³⁵ A person may still vote, even while they are serving time in a jail or prison as part of their suspended imposition of sentence.³⁶

Generally, a person convicted of a felony **in either federal or South Dakota court** loses the right to vote while they are serving out their sentence.³⁷ In 2012, the South Dakota Legislature enacted a felony disenfranchisement law, which bifurcated voter eligibility qualifications by the date when the new law was enacted.³⁸ The Secretary of State has also interpreted this felony disenfranchisement scheme to apply to the payment of fines and fees.

- **Convicted of Felony on or after July 1, 2012:**
 - A person is ineligible to vote while they are serving out their felony sentence, including any time of incarceration, parole, and the payment of fines, fees, or restitution.³⁹
 - A person's right to vote is immediately restored⁴⁰ and they may register to vote following the completion of their entire felony sentence, including any time of incarceration or parole and the payment of any fines and fees.⁴¹
 - A person retains the right to vote if they were convicted of a felony and sentenced to a fine-only probation or are only ordered to pay a fine or restitution.⁴²
- **Convicted of Felony on or before June 30, 2012, AND received an imprisonment sentence to an adult penitentiary, including a suspended execution⁴³ of a sentence:**
 - A person is ineligible to vote while they are serving out their felony sentence, including any time of incarceration and parole.⁴⁴

³³ *Registering Voters in South Dakota: Felony Convictions*, South Dakota Sec'y of State (Oct. 13, 2023), <https://sdsos.gov/elections-voting/assets/RegisteringVotersInSD.pdf>.

³⁴ *Felony Convictions*, South Dakota Sec'y of State, <https://sdsos.gov/elections-voting/voting/register-to-vote/felony-convictions.aspx>, ("A person who receives a suspended imposition of sentence does not lose the right to vote.").

³⁵ S.D. Codified Laws § 23A-27-14.

³⁶ S.D. Op. Att'y. Gen. No. 05-01 (2005), <https://atg.sd.gov/OfficialOpinions/Official%20Opinion%2005-01.pdf>.

³⁷ S.D. Codified Laws § 12-4-18, as amended by HB 1247.

³⁸ July 1, 2012 was the effective date of the 2012 legislative session's HB 1247, which amended statutes including SD Codified Laws § 12-4-18. Cf 2012 SL 82 (HB 1247) at https://sdlegislature.gov/Statutes/Session_Laws/Chapter/5032.

³⁹ *Registering Voters in South Dakota: Felony Convictions*, South Dakota Sec'y of State (Oct. 13, 2023), <https://sdsos.gov/elections-voting/assets/RegisteringVotersInSD.pdf>.

⁴⁰ See S.D. Op. Att'y. Gen. No. 05-01 (2005), <https://atg.sd.gov/OfficialOpinions/Official%20Opinion%2005-01.pdf> (discussing that a person with a felony conviction can immediately register to vote as soon as they are fully discharged of their sentence).

⁴¹ See Admin. 05:02:05:02, <https://sdlegislature.gov/Rules/Administrative/05:02:05:02>.

⁴² *Registering Voters in South Dakota: Felony Convictions*, South Dakota Sec'y of State (Oct. 13, 2023), <https://sdsos.gov/elections-voting/assets/RegisteringVotersInSD.pdf>.

⁴³ A suspended execution of a sentence is different from a suspended imposition of a sentence. A suspended execution is a constitutional, statutorily authorized form of judicial clemency that occurs *after* a conviction, similar to a pardon. S.D. Const. art. V, § 5; S.D. Codified Laws § 23A-27-13.

⁴⁴ *Registering Voters in South Dakota: Felony Convictions*, South Dakota Sec'y of State (Oct. 13, 2023), <https://sdsos.gov/elections-voting/assets/RegisteringVotersInSD.pdf>.

- A person's right to vote is immediately restored and they may register to vote following the completion of their entire felony sentence, including any time of incarceration or parole.⁴⁵
- **Convicted of Felony on or before June 30, 2012, and *DID NOT* receive an imprisonment sentence to an adult penitentiary:**
 - A person may register to vote at any time because their right to vote was not impacted.⁴⁶ This includes a person who was only sentenced to probation for a conviction on or before June 30, 2012, or who only served time in a county jail.⁴⁷

For a person whose felony conviction occurred on or before June 30, 2012, upon their early discharge from incarceration in a state correctional facility or from parole, the person will be issued a certificate from the Secretary of Corrections stating that the person has been restored to the full rights of a citizen.⁴⁸ The person will then be eligible to register to vote.⁴⁹ All applicable registration deadlines still apply.

If a person is convicted in another state court, then South Dakota's felony disenfranchisement scheme does not apply to that person's voting rights and the person must have had their right to vote restored by another state in relation to the out-of-state conviction.⁵⁰

A person who adjudicated as a juvenile delinquent or as a child and was sentenced to incarceration in a juvenile detention facility retains the right to vote once they turn eighteen years of age.⁵¹

13. **INCARCERATED: I am currently incarcerated. Can I register to vote? Can I vote from jail?**

Check the resources at Campaign Legal [Restore Your Vote](#) for latest information.

For South Dakota, the answer is, maybe. Individuals who are currently incarcerated for a felony conviction (federal or state) cannot vote while serving their sentence.⁵² See [Question 12](#) for details, especially regarding suspended sentences.

If an individual is incarcerated and *charged* with a felony but not convicted, they may vote if they are otherwise eligible. Individuals who are incarcerated for a misdemeanor are permitted to vote if they are otherwise eligible. See [Question 1](#) for residency and other eligibility requirements. If an individual is incarcerated and charged but not convicted of a felony, or has been convicted of a misdemeanor and is otherwise eligible to vote, they may vote absentee.

⁴⁵ See Admin. 05:02:05:02, <https://sdlegislature.gov/Rules/Administrative/05:02:05:02>; S.D. Codified Laws § 23A-27-3, amended by HB 1247 (2012).

⁴⁶ See Admin. 05:02:05:02, <https://sdlegislature.gov/Rules/Administrative/05:02:05:02>; July 1, 2012 was the effective date of the 2012 legislative session's HB 1247, which amended statutes including SD Codified Laws § 12-4-18. Cf 2012 SL 82 (HB 1247) at https://sdlegislature.gov/Statutes/Session_Laws/Chapter/5032.

⁴⁷ S.D. Op. Att'y. Gen. No. 05-01 (2005), <https://atg.sd.gov/OfficialOpinions/Official%20Opinion%2005-01.pdf>.

⁴⁸ S.D. Codified Laws § § 24-5-2, 24-15A-7; S.D. Op. Att'y. Gen. No. 05-01 (2005), <https://atg.sd.gov/OfficialOpinions/Official%20Opinion%2005-01.pdf>.

⁴⁹ S.D. Codified Laws § 24-5-2.

⁵⁰ See *United States v. Capito*, 992 F.2d 218, 220 (8th Cir. 1993); *Thompson v. United States*, 989 F.2d 269 (8th Cir. 1993).

⁵¹ *Registering Voters in South Dakota: Felony Convictions*, South Dakota Sec'y of State (Oct. 13, 2023), <https://sdsos.gov/elections-voting/assets/RegisteringVotersInSD.pdf>.

⁵² S.D. Codified Laws § 12-4-18.

14. REGISTRATION CHALLENGED: My registration has been challenged, what should I do?

A person's right to vote may be challenged for the following reasons:⁵³

- The voter's identity is not that of the registered voter;
- The voter has been convicted of a felony or declared mentally incompetent since the registration list was prepared.

Provisions only exist to challenge residency in the district with respect to local municipal or township elections or school district elections.⁵⁴ The November 5, 2024 general election will NOT be a municipal, school, nor township election.⁵⁵

Election workers' training materials state they may not ask a voter to verify their address.⁵⁶

A person making a challenge at a polling place presents evidence to the precinct superintendent and precinct deputies (the precinct election board), who decide if the challenged voter may vote. The voter is allowed to offer evidence supporting their right to vote. Based on the evidence presented the precinct election board will determine if the voter is eligible to vote.⁵⁷ Poll workers' training states the decision must be made from the evidence presented.⁵⁸ Election workers' training materials say the precinct election board's decision is also based on "any personal knowledge."⁵⁹

If the voter is successfully challenged, or is otherwise denied the ability to vote, the voter should, if they believe they are indeed registered, maintain that they are currently registered to vote in that precinct, and may cast a provisional ballot.⁶⁰ The voter must complete an affirmation for a provisional ballot.⁶¹

Provisional ballots are counted 7-17 days after the election.⁶² The voter will receive notification via their mailing address of whether the provisional ballot was counted or not and if not, an explanation of why it was not counted.⁶³ By voting a provisional ballot, the vote may not be secret if the voter is the only voter voting on a provisional ballot in that precinct.⁶⁴

⁵³ S.D. Codified Laws § 12-18-10;

https://sdsos.gov/elections-voting/assets/2016CitySchool_ProvisionalBallotsSpoiledBallots.pdf.

⁵⁴ S.D.C.L. §§ 9-13-4.1; 13-7-4.2; 8-3-7, 8-3-9.

⁵⁵ See S.D.C.L. § 8-3-1 re: townships and the calendars posted at

<https://sdsos.gov/elections-voting/upcoming-elections/municipal-school-information/default.aspx>.

⁵⁶ See <https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> Page 37. See also S.D.C.L. §12-18-6.3 re: checking the voter's ID photo, and [Election Day Precinct Manual](#) Page 11 re: checking the photo on the ID, noting no need to check the address.

⁵⁷ S.D. Codified Laws § 12-18-10;

https://sdsos.gov/elections-voting/assets/2016CitySchool_ProvisionalBallotsSpoiledBallots.pdf.

⁵⁸ <https://sdsos.gov/elections-voting/assets/2024%20Assets/2024PrecinctManual.pdf> p. 9.

⁵⁹ <https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> Page 53.

⁶⁰ S.D. Codified Laws § 12-18-39.

⁶¹ S.D. Codified Laws § 12-18-40.

⁶² S.D. Codified Laws §§ 12-20-47, 12-20-13.4.

⁶³ S.D. Codified Laws § 12-20-13.4; S.D. Administrative Rules 5:02:05:24.

⁶⁴ S.D. Administrative Rule 5:02:05:22.

HOW TO VOTE: ELECTION DAY

15. **HOURS:** *When do the polls open/close on Election Day?*

The polls must be open from 7:00 a.m. to 7:00 p.m. local time on Election Day (i.e. November 5, 2024 for the 2024 general election), or until the last person in line at 7:00 p.m. has voted.⁶⁵

[South Dakota is in two time zones: Mountain and Central](#). The Secretary of State's [2024 Election Calendar](#) specifies "local time" for this and other time-specific deadlines.

16. **POLLING LOCATION:** *Where do I vote on Election Day?*

A voter can determine their proper polling place by checking the "Voter Information Portal" website (<https://vip.sdsos.gov/viplogin.aspx>). the same portal can be used to check voter registration information, to view ballots for primary or general elections, and to track absentee ballots.

Generally voters who vote on Election Day must vote at the polling place where they are registered. If a voter has moved recently and has not updated their voter registration, refer to [Question 8](#) and [Question 9](#) above.

Vote Center Counties: South Dakota counties have the option to operate "vote centers" under a more flexible system where any registered voter in the jurisdiction may vote at any vote center. The whole "vote center" county may be designated as one voting precinct. This approach differs from the default system of Election Day polling places where a voter casting a ballot in person at the polls on Election Day may vote only in the polling place for their local (smaller) assigned precinct to have their vote counted. [S.D.C.L. § 12-14-17].

The [Secretary of State's information page about Vote Centers](#) includes a list of "Vote Center Counties." As of summer 2024 (check for updates), they were: Brookings, Brown, Haakon, Hughes (includes the city of Pierre), Hyde, Pottter, Sully, Yankton and Custer. (As of [this fall 2023 news report](#), Custer County was not using vote centers but was using some elements of the vote center process including electronic pollbooks.)

[The S.D. Association of County Officials site](#) has links to some of these counties' websites, some of which provide more information.

17. **TIME OFF WORK:** *Is my employer required to give me time off to vote? Is it paid or unpaid?*

Voters in all elections, including primary elections, may take time off from employment for two consecutive hours between the time of opening and the time of closing the polls; provided that the voter does not have a period of two consecutive hours during the time the polls are open during which the voter is not required to be at work. The voter's employer may not impose a penalty or deduct from the voter's usual wages because of this absence. The employer may specify the hours during which employees may take the time away from work to vote.⁶⁶

⁶⁵ S.D. Codified Laws § 12-2-3.

⁶⁶ S.D. Codified Laws § 12-3-5.

18. CLOSING: What if the polls close when I am already in line?

If a voter is in line at the polling place by 7:00 p.m. local time on Election Day, they must be allowed to vote. No polling place may be closed at any election until all of the voters who have presented themselves at the polling place inside or outside for the purpose of voting prior to the time of the closing of the polls have had time to cast their ballots.⁶⁷

Because there may, indeed, be long lines at the polling place, voters may want to bring their own food and water. See also [Question 66](#), “Long Lines.”

Under ordinary circumstances, more than thirty minutes waiting time is deemed unreasonable waiting time except at the time when the polls close. In all precincts the board of county commissioners shall adjust the size of any precinct at which there was unreasonable waiting time imposed upon the voters at the last preceding general election.⁶⁸

19. IDENTIFICATION: What identification is required to vote?

Voters should note that in South Dakota they **will** generally be required to show valid photo ID in order to vote.⁶⁹

Valid forms of identification include:

- A South Dakota driver’s license or a non-driver ID card;
- A U.S. 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.⁷⁰

However, if a voter is not able to show photo ID, they may sign a personal identification affidavit confirming their name and address and may vote a regular ballot (not a provisional ballot).⁷¹

Also, 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.⁷²

20. NO IDENTIFICATION: Can I vote without providing identification?

⁶⁷ S.D. Codified Laws § 12-2-3.

⁶⁸ S.D. Codified Laws § 12-14-4.

⁶⁹ S.D. Codified Laws § 12-18-6.1.

⁷⁰ *Id.*

⁷¹ S.D. Codified Laws § 12-18-6.2; SD Administrative Rule 5:02:05:25;

<https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#) Page 11.

⁷² S.D. Codified Laws § 12-18-6.3.

Yes. If a voter is not able to show photo ID, they may sign a personal identification affidavit confirming their name and address and may vote a regular ballot (not a provisional ballot).⁷³

21. NOT ON ROLLS AT MY POLLING PLACE: I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

Maybe. If the voter's name does not appear on the registration list for the precinct of the polling place, but the voter presents an acknowledgment notice, a member of the precinct election board will contact the office of the County Auditor to determine why the voter's name is not on the rolls.⁷⁴ The acknowledgment notice would have been sent to the voter by mail from the State Board of Elections when the voter's registration was accepted.⁷⁵ If the County Auditor determines that the voter's name was erroneously omitted from the registration list for the precinct, the voter may vote after completing an emergency voter card.⁷⁶

If the voter's name is listed on the rolls at a different precinct, the voter has the option of either casting a provisional ballot at the present polling station or going to the precinct associated with their registration to cast a regular ballot.⁷⁷

Most important, if it is not possible to communicate with the office of the County Auditor, the voter may vote after executing an emergency voting card.⁷⁸

A provisional ballot may only be counted if it was cast in the correct precinct for the residence address that appeared on that voter's registration form.⁷⁹ A provisional ballot cast in a precinct where the voter did not register is unlikely to be counted. (This rule may be functionally more flexible if the voter is in one of the small number of "[Vote Center Counties](#)," where voters anywhere in the jurisdiction may be able to vote in any of several "Vote Centers." See [Question 16](#) and check local rules.)

See [Question 74](#), "Thought was Registered," for reasons why voters may be removed from the rolls.

22. GIVEN PROVISIONAL BALLOT: I am being told I have to vote provisionally, what does that mean?

A voter should inquire why they were offered a provisional ballot and request a regular ballot if the voter thinks this is incorrect. A provisional ballot should be a last resort.

If a voter is challenged on the grounds that the voter's identity is not that of the registered voter, or on the grounds that the voter has been convicted of a felony or declared mentally incompetent since the registration list was prepared, the voter may cast a provisional ballot while awaiting a determination as to whether the voter is eligible to vote. A member of the precinct election board

⁷³ S.D. Codified Laws § 12-18-6.2; SDAR 5:02:05:25; <https://sdsos.gov/elections-voting/voting/default.aspx>; [Election Day Precinct Manual](#) Page 11.

⁷⁴ S.D. Codified Laws § 12-18-7.1, 12-18-7.2.

⁷⁵ S.D. Codified Laws § 12-4-5.3.

⁷⁶ S.D. Codified Laws §§ 12-18-7.1, 12-18-7.2.

⁷⁷ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>; [2024 Precinct Manual](#), Page 10.

⁷⁸ S.D. Codified Laws § 12-18-7.1.

⁷⁹ S.D. Codified Laws § 12-20-5.1,

<https://sdsos.gov/elections-voting/assets/ProcessingProvisionalBallotsByTheCountyAuditor.pdf>.

shall notify any person who is denied the ability to vote that the person may cast a provisional ballot.⁸⁰ See [Question 14](#) for more detail on challenges.

If the voter is successfully challenged, or is otherwise denied the ability to vote, the voter should, if they believe they are indeed registered, maintain that they are currently registered to vote in that precinct, and may cast a provisional ballot.⁸¹ The voter must complete an affirmation for a provisional ballot.⁸²

Provisional ballots are counted 7-17 days after the election.⁸³ The voter will receive notification via their mailing address of whether the provisional ballot was counted or not and if not, an explanation of why it was not counted.⁸⁴ Voters are informed that the vote may not be secret if the voter is the only voter voting on a provisional ballot in that precinct.⁸⁵

For provisional ballot procedure see the [2024 Election Day Precinct Manual](#), Page 10, and the [2024 Provisional Ballot Processing Criteria for County Auditors](#).

A provisional ballot may only be counted if it was cast in the correct precinct for the residence address that appeared on that voter's registration form.⁸⁶ (This rule may be functionally more flexible if the voter is in one of the small number of "[Vote Center Counties](#)," where voters anywhere in the jurisdiction may be able to vote in any of several "Vote Centers." See [Question 16](#) and check local rules.)

23. REQUESTING PROVISIONAL BALLOT: I am being told I can't vote, can I vote provisionally?

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 (not a provisional ballot).⁸⁷ For details on voter ID issues, see [Question 19](#).

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.⁸⁸

If a voter's name does not appear on the registration list for the precinct of the polling place, see [Question 21](#), "Not on Rolls at Polling Place."

⁸⁰ S.D. Codified Laws §§ 12-19-10, 12-18-39.

⁸¹ S.D. Codified Laws § 12-18-39.

⁸² S.D. Codified Laws § 12-18-40.

⁸³ S.D. Codified Laws §§ 12-20-47, 12-20-13.4.

⁸⁴ S.D. Codified Laws § 12-20-13.4; S.D. Administrative Rule 5:02:05:24.

⁸⁵ S.D. Administrative Rule 5:02:05:22.

⁸⁶ S.D. Codified Laws § 12-20-5.1,

<https://sdsos.gov/elections-voting/assets/ProcessingProvisionalBallotsBytheCountyAuditor.pdf>.

⁸⁷ S.D. Codified Laws § 12-18-6.2; SDAR 5:02:05:25; <https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#), Page 11.

⁸⁸ S.D. Codified Laws § 12-18-6.3.

For details on challenges to a voter’s identity or eligibility to vote, see [Question 14](#).

24. PROVISIONAL BALLOT NEXT STEPS: I voted a provisional ballot, what now?

The voter must complete an affirmation for a provisional ballot. Provisional ballots are counted 7-17 days after the election.⁸⁹ County Auditors’ guidance for processing provisional ballots is posted at: <https://sdsos.gov/elections-voting/assets/ProcessingProvisionalBallotsBytheCountyAuditor.pdf>.

There is no ballot “cure” process for provisional ballots in South Dakota.

The voter will receive notification via their mailing address of whether the voter’s provisional ballot was counted or not and if not, an explanation of why it was not counted, within ten days after the official county canvass.⁹⁰

HOW TO VOTE: IN-PERSON EARLY VOTING **(in this state defined as: in-person absentee voting)**

25. AVAILABILITY: Is there early voting in my state (whether called early voting or in-person absentee voting)?

Yes. While South Dakota does not have formal early voting at polling places, registered voters can vote by absentee ballot in person at their County Auditor's office (also referred to as the “County Election Official”) once Absentee Voting begins. See the Secretary of State’s office [absentee voting instructions page](#).

The voter should bring their valid South Dakota driver’s license or non-driver identification card, or other acceptable photo identification for absentee voting (listed at [Question 29](#) below). If the voter applies to vote absentee in person, the voter will complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter’s identification card.⁹¹ If a voter does not have a valid photo ID, they must be given the option to sign a personal identification affidavit and vote a regular (not provisional) ballot.⁹²

Absentee Voting opens 46 days prior to the election (i.e. Absentee Voting opens on September 20, 2024 for the November 5, 2024 general election).⁹³ For most voters, the last day to request an

⁸⁹ S.D. Codified Laws §§ 12-20-47, 12-20-13.4.

⁹⁰ S.D. Codified Laws § 12-20-13.4;

<https://sdsos.gov/elections-voting/assets/ProcessingProvisionalBallotsBytheCountyAuditor.pdf>.

⁹¹ S.D. Codified Laws § 12-19-2.1.

⁹² S.D. Codified Laws § 12-18-6.2; SD Administrative Rule 5:02:05:25;

<https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#) Page 11.

⁹³ <https://sdsos.gov/elections-voting/upcoming-elections/general-information/default.aspx>;

<https://sdsos.gov/elections-voting/assets/2024%20Assets/2024ElectionCALENDAR.pdf>; S.D. Codified Laws § 12-19-1.2

absentee ballot is the day before the election, i.e., November 4, 2024, before 5 p.m., for the 2024 general election.⁹⁴ See [Question 34](#) for absentee voting via authorized messenger in case of confinement due to sickness or disability.

26. ELIGIBILITY: Do I have to have a reason to vote early?

No. A voter does not need a reason to vote early by Absentee Voting.⁹⁵

27. WHEN: When does early voting begin/end?

Because South Dakota does not have formal early voting, polling places are open only on Election Day. However, the Absentee Voting period begins 46 days prior to the election (i.e. September 20, 2024 for the November 5, 2024 general election).⁹⁶ Registered voters can vote in person by absentee ballot, once Absentee Voting has begun, at their County Auditor's office, bringing valid photo identification.⁹⁷ (See [Question 29](#) for identification requirements to vote absentee and procedures if the voter does not have valid photo ID.)

For most voters, the last day to request an absentee ballot is the day before the election, i.e., November 4, 2024 before 5 p.m., for the November 5, 2024 general election.⁹⁸ See [Question 34](#) for absentee voting via authorized messenger in case of confinement due to sickness or disability.

Contact information for the County Auditors' offices is at [County Auditors](#). The Secretary of State's [Auditor Resources](#) page has useful links to regulations and administrative guidance.

[South Dakota is in two time zones: Mountain and Central](#). The Secretary of State's [2024 Election Calendar](#) specifies "local time" for this and other time-specific deadlines.

28. WHERE: Where do I vote during early voting?

Registered voters can vote in-person once Absentee Voting begins at their County Auditor's office by bringing along a valid photo identification card (ID).⁹⁹ If the voter applies to vote absentee in person, the voter will complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter's identification card.¹⁰⁰ If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.¹⁰¹ Voters can find the physical address of their county's County Auditor office here: [County Auditors](#).

The Secretary of State's Office has posted a chart of [2024 Absentee Satellite Sites](#) for some counties with posted dates and hours corresponding to 2024 absentee voting periods, but voters should check

⁹⁴ S.D. Codified Laws § 12-19-2.1.

⁹⁵ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>; S.D. Codified Laws § 12-19-1.

⁹⁶ S.D. Codified Laws § 12-19-1.2,

<https://sdsos.gov/elections-voting/upcoming-elections/general-information/default.aspx>;

<https://sdsos.gov/elections-voting/assets/2024%20Assets/2024ElectionCALENDAR.pdf>.

⁹⁷ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.

⁹⁸ S.D. Codified Laws § 12-19-2.1.

⁹⁹ *Id.*

¹⁰⁰ S.D. Codified Laws § 12-19-2.1.

¹⁰¹ <https://sdsos.gov/elections-voting/voting/default.aspx>, S.D. Codified Laws § 12-18-6.2; SD Administrative Rule 5:02:05:25; <https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#) Page 11.

with their local main county auditor office what services are provided at these offices and whether absentee ballots will be accepted there.

Drop boxes for ballots are prohibited in South Dakota.¹⁰²

29. IDENTIFICATION: What identification is required for early voting? What if I don't have an ID?

“Early voting” in South Dakota is voting in person by absentee ballot. If the voter applies to vote absentee in person, the voter will need to complete a combined absentee ballot application/return envelope and display their eligible identification.¹⁰³ If a voter does not have eligible identification, they must be given the option to sign a personal identification affidavit and vote a **regular ballot**.¹⁰⁴

State law generally requires completed absentee ballot applications to be notarized or include a photocopy of an acceptable photo identification (except for voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), for whom the procedures are detailed in [Question 11](#)).¹⁰⁵

If a voter's absentee ballot application is not notarized, the following are valid forms of photocopied identification to include with an absentee ballot application:

- 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.¹⁰⁶

Voters lacking access to a copy machine or notary public may take a photo of their ID using their phone or camera and email it to their County Auditor. Voters should contact their County Auditor for more information regarding this option. County auditor contact information is at: [County Auditors](#).

30. ASSISTANCE: What if I need assistance voting early in person?

A voter may request assistance from a poll worker or receive assistance from a person of the voter's choice with the exception of the voter's employer or an agent of the voter's employer, or an officer or agent of the voter's union.¹⁰⁷ A poll worker cannot force a voter to accept assistance.

Voters who have a disability or physical limitations may ask for assistance or special arrangements at the polling place by contacting their local [County Election Official](#) before Election Day.¹⁰⁸ (On disability access at Election Day polling places see [Question 77](#).)

¹⁰² S.D. Codified Laws § 12-19-9.3.

¹⁰³ S.D. Codified Laws § 12-19-2.1.

¹⁰⁴ S.D. Codified Laws § 12-18-6.2; SD Administrative Rule 5:02:05:25; <https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#) Page 11.

¹⁰⁵ S.D. Codified Laws § 12-19-2.

¹⁰⁶ S.D. Codified Laws § 12-18-6.1.

¹⁰⁷ See S.D. Codified Laws § 12-18-25, which allows assistance by any person of the voter's choice, and compare 52 U.S. Code § 10508, which excludes employers, union representatives, or their agents.

¹⁰⁸ [Voting: South Dakota Secretary of State \(sdsos.gov\)](#).

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 (a/k/a [County Auditor](#)) 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 (i.e. November 5, 2024 for the 2024 general election).

HOW TO VOTE: VOTE BY MAIL

(in this state defined as: absentee voting by mail)¹⁰⁹

31. AUTOMATIC MAIL BALLOT: Will I automatically be sent a ballot in the mail?

No. To vote by mail, a voter must request an absentee ballot. Voters request absentee ballots in South Dakota by completing an absentee ballot application form (https://sdsos.gov/elections-voting/assets/AbsenteeApplication_202012.PDF) and mailing the original, signed application to the voter's County Election Official (a/k/a [County Auditor](#)). For the addresses of county election officials for mailing Absentee Ballot applications, see: [County Auditors](#).¹¹⁰ For procedural information on absentee voting see the Secretary of State's [Auditor Absentee Processing](#) guidance.

On special procedures for requesting ballot delivery in case of confinement due to sickness or disability, see [Question 34](#).

On special absentee ballot request processes for overseas citizens, members of the military and their qualifying family members, see [Question 11](#).

32. ELIGIBILITY: Do I need a specific reason to vote by mail?

No. A voter does not need a reason to vote absentee by mail.¹¹¹ Any registered voter who is not otherwise disqualified by law from voting in the election may vote by absentee ballot in South Dakota. **A voter is not required to provide a reason** for their decision to vote absentee.¹¹² The voter may vote absentee starting 46 days prior to Election Day (i.e. September 20, 2024 for the 2024 general election).¹¹³

33. APPLICATION DEADLINE: What is the deadline for requesting a mail-in ballot?

A mail-in ballot is the same as voting absentee in South Dakota. The County Election Official (a/k/a [County Auditor](#)) must receive the application for an absentee ballot no later than 5:00 p.m., the day

¹⁰⁹ In South Dakota, absentee voting and vote by mail are synonymous.

¹¹⁰ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.

¹¹¹ *Id.*

¹¹² S.D. Codified Laws § 12-19-1.

¹¹³ S.D. Codified Laws § 12-19-1.2; S.D. Secretary of State [2024 Election Calendar](#).

before the election (i.e. November 4, 2024, for the 2024 general election.)¹¹⁴ Absentee ballots must be received back by the County Auditor no later than 7:00 p.m. local time on Election Day (i.e. November 5, 2024 for the 2024 general election).

[South Dakota is in two time zones: Mountain and Central](#). The Secretary of State's [2024 Election Calendar](#) specifies "local time" for this and other time-specific deadlines.

Note, however, if a voter waits until the last minute to submit their absentee ballot application form, the practical effect will be that the voter will have to vote in-person absentee if at all. If the voter wants the option to vote their absentee ballot by mail, the voter should request an absentee ballot as soon as possible and promptly return the ballot to their County Auditor allowing sufficient time for delivery. A voter's voted ballot **MUST** be received by their County Election Official on or before Election Day in enough time for delivery of their ballot to their voting precinct (or to a Vote Center if applicable – see [Question 16](#)) before the polls close at 7 p.m. local time on Election Day.¹¹⁵

See [Question 34](#) for the separate process and deadline for absentee voting via authorized messenger in case of confinement due to sickness or disability – including the possibility that the messenger may need to hand-deliver the ballot directly to the polling place, not the auditor, if time is short.

34. **APPLICATION ASSISTANCE:** [Can someone assist me with filling out the application?](#)

South Dakota law provides that any voter who by reason of physical disability or inability to read and write or mark a ballot may receive the assistance of any person who the voter selects.¹¹⁶

Federal law protects such assistance by a person of the voter's choice other than the voter's employer or an agent of that employer or an officer or agent of the voter's union.¹¹⁷

Precincts with large Native American populations must have someone available who is proficient in both the local Sioux dialect and English to provide assistance.¹¹⁸

Solely in the event of confinement because of sickness or disability, a qualified voter may apply in writing using the Absentee Ballot Application [to obtain an absentee ballot by authorized messenger](#) who will also deliver the marked ballot on behalf of the voter. The voter designates the authorized messenger in the application. The authorized messenger ordinarily delivers the ballot from the County Election Official (a/k/a [County Auditor](#)) to the voter and then delivers the marked ballot to the County Election Official. (If there is not enough time left for the county official to transmit the ballot to the voter's home precinct, the messenger may have to hand-deliver it there. If time is short, then, if possible, ask the County Auditor's office where the messenger should take the ballot.) 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 (i.e. by 3 p.m. November 5, 2024 for the 2024 general election).¹¹⁹

¹¹⁴ S.D. Codified Laws § 12-19-2.1, unless that office's "regular office hours" run later than 5 p.m. local time. Such extended hours should not be counted upon unless confirmed.

¹¹⁵ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>, S.D. Codified Laws § 12-19-9.

¹¹⁶ S.D. Codified Laws § 12-18-25.

¹¹⁷ 52 U.S. Code § 10508.

¹¹⁸ S.D. Codified Laws § 12-3-10.

¹¹⁹ S.D. Codified Laws § 12-19-2.1; [Voting: South Dakota Secretary of State \(sdsos.gov\)](#)

The Secretary of State’s helpful [County Auditors - Election Resources](#) page links to [procedural instructions for county auditors on handling absentee ballots](#), including via authorized messenger.

South Dakota law prohibits pre-filling an absentee ballot application with a voter’s name and address before giving it to the voter, unless the person who does so is an election official or is assisting a person due to illiteracy, blindness or other physical disability.¹²⁰

If a person is an authorized messenger for more than one voter, they must inform the person in charge of the election of all voters for whom that person is a messenger.¹²¹ In most (not all) cases, a candidate for office may not serve as an authorized messenger.¹²² An authorized messenger may not display campaign materials or otherwise campaign in the voter’s presence “at or before the time of voting.”¹²³

South Dakota law provides, with respect to a primary or general election, for the county auditor’s representative to make a delivery of absentee ballots to a nursing facility, assisted living center or hospital from which there might reasonably be expected to be five or more absentee applications, and to assist residents of the facility to vote absentee. State rules then provide for the auditor’s representative to accept the ballots and transport them in a sealed receptacle to the auditor’s office.¹²⁴ (However, it is better for voters not to count on any such arrangement unless they specifically confirm whether the service is provided.)

35. APPLICATION RETURN: How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?

A voter’s original, signed absentee ballot application must be returned to their County Auditor (a/k/a County Election Official) either by **in-person delivery or by mail**.

IMPORTANT: Voters submitting an absentee ballot **application form** must have the form notarized or include a photocopy of an acceptable photo identification card.¹²⁵ Acceptable photo identification cards include a South Dakota driver’s license or non-driver ID card, tribal photo ID, passport or other picture ID issued by the United States government, or a current student photo ID issued by a South Dakota high school or postsecondary education institution.¹²⁶ Voters lacking access to a copy machine or notary public may take a photo of the ID using a phone or camera and email the photo to their County Auditor. Voters should contact their County Auditor for more information regarding this option. For a list of county auditors’ contact information see [County Auditors](#).

Solely in the event of confinement because of sickness or disability, a qualified voter may apply in writing using the Absentee Ballot Application [to obtain an absentee ballot by authorized messenger](#) who will also deliver the marked ballot on behalf of the voter. The voter designates the authorized messenger in the application. The authorized messenger ordinarily delivers the ballot from the

¹²⁰ S.D. Codified Laws § 12-19-1.3.

¹²¹ S.D. Codified Laws § 12-19-2.2, 12-19-9.

¹²² S.D. Codified Laws § 12-19-7.1.

¹²³ S.D. Codified Laws § 12-19-7.2.

¹²⁴ S.D. Codified Laws § 12-19-9.1; S.D. Administrative Rules 5:02:10:09.

¹²⁵ S.D. Codified Laws § 12-19-2.

¹²⁶ S.D. Codified Laws § 12-18-6.1.

County Election Official (a/k/a [County Auditor](#)) to the voter and then delivers the marked ballot to the County Election Official. (If there is not enough time left for the county official to transmit the ballot to the voter's home precinct, the messenger may have to hand-deliver it there. If time is short, then, if possible, ask the County Auditor's office where the messenger should take the ballot.) 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 (i.e. by 3 p.m. November 5, 2024 for the 2024 general election).¹²⁷

See [Question 34](#) above for more detail on absentee voting via authorized messenger, including limits against campaigning by the messenger. [Question 34](#) also notes the possibility of group absentee ballot deliveries to facilities, but it is better not to assume this service will be provided unless it is definitely confirmed.

If the voter applies to vote absentee in person, the voter must complete a combined absentee ballot application/return envelope and will be asked to show the person in charge of the election the voter's identification card.¹²⁸ If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a **regular ballot**.¹²⁹

Only voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may submit their application for an absentee/mail-in ballot via fax or email.¹³⁰ (See [Question 11](#).)

For a list of county auditors' contact information, see [County Auditors](#). The Secretary of State's [Auditor Resources](#) page has useful links to regulations and administrative guidance. It is a good idea to call to confirm the in-person delivery address if the voter intends to return their absentee ballot application in person.

36. IDENTIFICATION: Are there identification requirements when I return my mail-in ballot application and/or ballot?

If a voter is mailing, delivering in person, or using an authorized messenger to deliver their application for an absentee ballot, the voter should either have their application notarized or include a copy of their qualifying identification, such as their South Dakota driver's license or non-driver state ID.¹³¹ Voters lacking access to a copy machine or notary public may take a photo of the ID using a phone or camera and email the photo to their County Auditor. Voters should contact their County Auditor for more information regarding this option.

If the voter is a member of the military or an overseas citizen covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), they may email a photograph of their identification to their [County Auditor](#).

See [Question 29](#) for descriptions of qualifying identification for absentee voting and [Question 19](#) for identification rules for voter registration.

¹²⁷ S.D. Codified Laws § 12-19-2.1; [Voting: South Dakota Secretary of State \(sdsos.gov\)](#)

¹²⁸ S.D. Codified Laws § 12-19-2.1.

¹²⁹ S.D. Codified Laws § 12-19-2.1.; S.D. Administrative Rule 5:02:05:25; [Election Day Precinct Manual](#), Page 11.

¹³⁰ <https://www.fvap.gov/guide/chapter2/south-dakota>

¹³¹ S.D. Codified Laws § 12-19-2 identifies this as the "voter's identification card," but then refers to S.D. Codified Laws § 12-18-6.1, which is summarized in [Question 19](#).

Voters do not need to present or include a copy of their identification when submitting their mail-in ballot, but the signature on their ballot should match the one that appears on their identification.¹³²

37. RECEIVING MAIL BALLOT: Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

No, the ballot may be sent to a temporary residence address designated in writing by the voter in the application for the absentee ballot. The ballot will be sent to the address listed on the absentee ballot application.¹³³

38. MISSED THE APPLICATION DEADLINE: What if I have not requested a mail-in ballot by the deadline?

In general, election officials may not mail an absentee ballot after the Monday prior to Election Day (i.e. November 4, 2024 for the November 5, 2024 general election),¹³⁴ so absentee ballot applications should be mailed in sooner or the voter may wish to consider voting absentee in person at the county auditor's office.

Caution about return of completed absentee ballots: Even if a voter timely requested their absentee ballot but did not properly complete and return the absentee ballot by the deadline either in person at their County Auditor's office or by mail, their vote will not be counted.

Solely in the event of confinement due to sickness or disability, a voter may make a written request for delivery of an absentee ballot by authorized messenger. That type of request must be received by the person in charge of the election before 3 p.m. on the day of the election, i.e., on November 5, 2024 for the general election on that day. See [Question 34](#) for details, including restrictions on the conduct and role of an authorized messenger.

A registered voter who has requested an absentee ballot may still vote in person at the polling place for their own precinct on Election Day (i.e. November 5, 2024 for the 2024 general election) if they have not already received and voted an absentee ballot. If the poll worker finds a record of the absentee request, the poll worker must call the County Auditor's office to check whether the absentee ballot was voted already.¹³⁵ If the absentee ballot was not already cast, the voter should be permitted to vote by regular ballot.

If a poll worker states that the voter has already voted by absentee ballot and the voter states that they have not voted by absentee ballot, they should be allowed to vote by provisional ballot. For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

39. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my application and/or mail-in ballot?

¹³² S.D. Codified Laws § 12-19-2.

¹³³ *Id.*

¹³⁴ See S.D. Codified Laws § 12-19-5.

¹³⁵ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>;
<https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> .

Voters may check the status of their absentee ballots at the South Dakota Secretary of State Voter Information Portal (V.I.P.), here: <https://vip.sdsos.gov/viplogin.aspx>.

Election officials are required to send back an absentee ballot to the voter within 48 hours of receiving that voter’s valid written absentee ballot request – or, if ballots are not available to the official, then within 48 hours of the official’s receipt of the ballots.¹³⁶

40. APPLICATION OR BALLOT REJECTED: I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

The voter should call their County Auditor’s office if their absentee ballot application and/or ballot was rejected.

Before calling, the voter may want to check their absentee ballot application status at <https://vip.sdsos.gov/viplogin.aspx>.

For county auditors’ contact information, see <https://vip.sdsos.gov/CountyAuditors.aspx>.

Regarding other kinds of rejections:

- For rejections of registration applications, see [Question 4](#).
- For registration confirmation mailings, inactive status, and reasons for revoking registration, see [Question 74](#).
- There is no cure process for rejected provisional ballots. For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

41. COMPLETING BALLOT: How do I complete the mail-in ballot?

When a voter’s absentee ballot arrives, they should read it carefully and follow the instructions to complete it and return it. In general, once a voter receives their absentee ballot, the voter should complete their absentee ballot as follows:

- Mark the ballot;
- Fold the ballot without revealing the marks to another person;
- Place the voted ballots in the return envelope provided;
- Seal the return envelope;
- Sign the statement on the return envelope; and
- Either mail, deliver in person, or have the ballot delivered to the person in charge of the election (their [County Auditor](#)).¹³⁷

If a voter is mailing or using “authorized messenger” delivery for their **completed absentee ballot**, then they will not need to provide identification with their ballot.¹³⁸

IMPORTANT: Voters submitting an absentee ballot **application form** must have the form notarized or include a photocopy of an acceptable photo identification card.¹³⁹ Acceptable photo identification

¹³⁶ S.D. Codified Laws § 12-19-3.

¹³⁷ S.D. Codified Laws § 12-19-7.

¹³⁸ S.D. Codified Laws § 12-19-7.

¹³⁹ S.D. Codified Laws § 12-19-2.

cards include a South Dakota driver’s license or non-driver ID card, tribal photo ID, passport or other picture ID issued by the United States government, or a current student photo ID issued by a South Dakota high school or postsecondary education institution.¹⁴⁰ Voters lacking access to a copy machine or notary public may take a photo of the ID using a phone or camera and email the photo to their County Auditor. Voters should contact their County Auditor for more information regarding this option. For a list of county auditors’ contact information see [County Auditors](#).

On “authorized messenger” delivery for voters confined due to illness or disability, see [Question 34](#).

If a voter plans to vote an absentee ballot **in person**, the voter must bring along a valid photo identification card (ID) to provide when voting. If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.¹⁴¹ See [Question 29](#) for descriptions of qualifying identification for absentee voting and [Question 19](#) for identification rules for voter registration.

42. **ASSISTANCE COMPLETING BALLOT:** [Can someone assist me in filling out my ballot?](#)

South Dakota law provides that any voter who by reason of physical disability or inability to read and write or mark a ballot may receive the assistance of any person who the voter selects.¹⁴²

Federal law protects such assistance by a person of the voter’s choice other than the voter’s employer or an agent of that employer or an officer or agent of the voter’s union.¹⁴³

Precincts with large Native American populations must have someone available who is proficient in both the local Sioux dialect and English to provide assistance.¹⁴⁴

On “authorized messenger” delivery and other arrangements for voters confined due to illness or disability, see [Question 34](#).

Caution about limited time to vote at polling places: Voters casting ballots at polling places on Election Day are only permitted 10 minutes to cast their ballots and are prohibited from returning to the voting booth or voting machine after that time.¹⁴⁵

43. **DEADLINE TO RETURN BALLOT:** [What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?](#)

Whether a voter’s absentee ballot is returned in person or by mail, the ballot **MUST** be received by the County Election Official (a/k/a [County Auditor](#)) on or before Election Day with enough time for delivery of their ballot to their voting precinct (or to a Vote Center if applicable – see [Question 16](#))

¹⁴⁰ S.D. Codified Laws § 12-18-6.1.

¹⁴¹ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>; S.D. Codified Laws § 12-18-6.2; SDAR 5:02:05:25; <https://sdsos.gov/elections-voting/voting/default.aspx>; 2024 [Election Day Precinct Manual](#) Page 11.

¹⁴² S.D. Codified Laws § 12-18-25.

¹⁴³ 52 U.S. Code § 10508.

¹⁴⁴ S.D. Codified Laws § 12-3-10.

¹⁴⁵ S.D. Codified Laws § 12-18-15.

before the polls close at 7 p.m. local time on Election Day (i.e. November 5, 2024 for the 2024 general election).¹⁴⁶ Late ballots will not be counted.¹⁴⁷

IMPORTANT: A postmark before the deadline is not sufficient to ensure that an absentee ballot is counted. Only actual timely receipt of the ballot by the County Election Official is sufficient. Accordingly, voters who mail in their absentee ballot should mail the ballot as soon as possible to avoid missing the deadline.

See cautions at [Question 64](#) about reasons to consider voting absentee in person at the county auditor’s office, if possible, if the voter has not yet requested or received an absentee ballot and the deadline is approaching.

See [Question 34](#) regarding “authorized messenger” assistance in case of confinement due to illness or disability.

See [Question 11](#) for special rules and options on absentee ballot requests by overseas citizens and military voters and their eligible family members.

Note: [South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines.

44. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a ballot (instead of mailing it)?

A voter may return their absentee ballot to their County Auditor’s office by mail, in person, or (in case of illness or disability) by authorized messenger.¹⁴⁸

Drop boxes for ballots are prohibited in South Dakota.¹⁴⁹

The Secretary of State’s Office has posted a chart of [2024 Absentee Satellite Sites](#) for some counties with posted dates and hours corresponding to 2024 absentee voting periods, but voters should check with their county’s main County Auditor office what services are provided at the satellite office(s) and whether absentee ballots will be accepted there.

The absentee voter’s voted ballot must be received by the voter’s county election official (county auditor) on or before Election Day (November 5, 2024 for the 2024 general election) in enough time for the election official to deliver their ballot to the voting precinct before the polls close at 7 p.m. local time on Election Day.¹⁵⁰

¹⁴⁶ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>, S.D. Codified Laws § 12-19-9.

¹⁴⁷ S.D. Codified Laws § 12-19-12.

¹⁴⁸ S.D. Codified Laws § 12-19-7.

¹⁴⁹ S.D. Codified Laws § 12-19-9.3.

¹⁵⁰ <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx> ; [2024 Election Calendar](#); and see S.D. Codified Laws § 12-19-9.

If a voter chooses to vote absentee by requesting and completing a ballot in person, then they may request and also return their absentee ballot up to 5:00 p.m. local time the day before the election (i.e. November 4, 2024 for the 2024 general election).¹⁵¹ See [Question 29](#) for ID requirements.

For contact information to check the local county auditor's office hours see: [County Auditors](#).

45. ASSISTANCE DROPPING OFF BALLOT: [Can someone else drop off my completed ballot for me?](#)

Solely in the event of confinement because of sickness or disability, a qualified voter may apply **in writing** on their Absentee Ballot Application to obtain an absentee ballot by authorized messenger who will also deliver the marked ballot on behalf of the voter. The authorized messenger is designated by the voter in the application. The authorized messenger delivers the ballot from the County Election Official (a/k/a [County Auditor](#)) to the 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, i.e. November 5, 2024 for the 2024 general election.¹⁵²

See [Question 34](#) re: details on authorized messengers' conduct and roles, and the possibility of a visit by a county auditor's representative to a nursing facility, assisted living center or hospital that is expected to generate five or more absentee ballot requests. (However, it is better for voters not to count on any such arrangement unless they specifically confirm it is provided.)

46. LOST OR SPOILED BALLOT: [What if I lost my mail-in ballot, made a mistake on it \(spoiled it\), or I received an incorrect ballot?](#)

If a voter lost their absentee ballot or it is spoiled (including by the voter's mistake) or the voter has received an incorrect ballot, the voter should call their County Auditor's office. For a list of county auditor's contact information: [County Auditors](#).

If a voter has not yet cast an absentee ballot, the voter may alternatively vote in person at their polling place. Under South Dakota law, if any voter spoils a ballot, the voter may obtain another ballot by returning the spoiled ballot to a member of the precinct election board. However, a voter may not obtain more than three ballots in all. In order to obtain a new ballot to replace a spoiled one, the voter must give their name and the number of the spoiled ballot so the number can be noted next to the voter's name and the spoiled ballot canceled and set aside in a separate envelope for accounting purposes.¹⁵³

47. NON-RECEIPT OF BALLOT: [What if I requested a mail-in ballot but have not received it? What are my options for voting?](#)

A voter should call their County Auditor's office if they requested an absentee ballot but have not received the ballot with sufficient time to return the ballot prior to the polls closing at 7 p.m. local time on Election Day.

¹⁵¹ S.D. Codified Laws § 12-19-2.1, unless "regular office hours" for that particular office run later than 5 p.m., which should not be counted on unless confirmed.

¹⁵² *Id.*; see also <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.

¹⁵³ S.D. Codified Laws § 12-18-24.

Voters may track their absentee ballot status at this link: <https://vip.sdsos.gov/viplogin.aspx>.

Voters may apply in person to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. local time on the day prior to the election (i.e., November 4, 2024, the day before the 2024 general election).¹⁵⁴

For a list of county auditors' contact information, go to [County Auditors](#).

A registered voter who has requested an absentee ballot may still vote in person at the polling place for their own precinct on Election Day (i.e. November 5, 2024 for the 2024 general election) if they have not already received and voted an absentee ballot. If the poll worker finds a record of the absentee request, the poll worker must call the County Auditor's office to check whether the absentee ballot was voted already.¹⁵⁵

If a poll worker states that the voter has already voted by absentee ballot and the voter states that they have not voted by absentee ballot, they should be allowed to vote by provisional ballot.¹⁵⁶ For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

See [Question 11](#) for special rules and options on absentee ballot requests by overseas citizens and military voters and their eligible family members.

48. IN PERSON-OPTION: What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

If a voter wants to vote in person at the polls on Election Day and the voter has not yet cast their absentee ballot, the voter can vote by regular ballot at their polling place. The voter is not required to bring the absentee ballot to the polls on Election Day.¹⁵⁷ However, if the voter has already cast their absentee ballot, they may not vote an additional regular ballot.

A registered voter who has requested an absentee ballot may still vote in person at the polling place for their own precinct on Election Day (i.e. November 5, 2024 for the 2024 general election) if they have not already received and voted an absentee ballot. If the poll worker finds a record of the absentee request, the poll worker must call the County Auditor's office to check whether the absentee ballot was voted already.¹⁵⁸

If the voter believes that the precinct supervisor/deputy is incorrect in stating that the voter has returned their absentee ballot and they did not cast the absentee ballot, the voter may vote by provisional ballot.¹⁵⁹ For more on provisional ballots see [Questions 22](#), [23](#) and [24](#).

¹⁵⁴ S.D. Codified Laws § 12-19-2.1, unless that office's "regular office hours" run later than 5 p.m., which should not be counted upon unless confirmed.

¹⁵⁵ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>;
<https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> .

¹⁵⁶ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

¹⁵⁷ *Id.*

¹⁵⁸ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>;
<https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> .

¹⁵⁹ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

Check if the voter may be registered in one of the small number of “[Vote Center Counties](#),” where voters anywhere in the jurisdiction may be able to vote in any of several “Vote Centers.” See [Question 16](#) for more information on Vote Center Counties and check local rules.

HOW TO VOTE: ABSENTEE **(in this state defined as: absentee voting¹⁶⁰)**

49. ELIGIBILITY: Am I eligible to request an absentee ballot?

Any registered voter who is not otherwise disqualified by law from voting in the election may vote by absentee ballot in South Dakota. See [Question 32](#).

See [Question 45](#) re: deliveries by authorized messenger in case of illness or disability and [Question 34](#) re: further details of authorized messengers’ roles and duties.

50. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?

The County Election Official (a/k/a [County Auditor](#)) must receive the voter’s [application](#) for an absentee ballot no later than 5:00 p.m. the day before Election Day (i.e., November 4, 2024, the day before the 2024 general election).¹⁶¹ Voters’ completed absentee ballots **MUST** be received by the County Election Official (a/k/a [County Auditor](#)) on or before Election Day with enough time for delivery of their ballot to their voting precinct (or to a Vote Center if applicable – see [Question 16](#)) before the polls close at 7 p.m. local time on Election Day (i.e. November 5, 2024 for the 2024 general election).¹⁶² Late ballots will not be counted.¹⁶³ See [Question 33](#).

See [Question 45](#) below re: deliveries by authorized messenger in case of illness or disability and [Question 34](#) re: more details about authorized messengers’ roles and duties.

See [Question 11](#) for special rules on absentee ballot requests by overseas citizens and military voters and their eligible family members.

[South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines.

51. IDENTIFICATION: Are there any identification requirements?

A voter requesting an absentee ballot by mail must submit a copy of a valid photo ID with their request for an absentee ballot or must get the absentee ballot application notarized to verify their identity.¹⁶⁴ Acceptable forms of identification include: a South Dakota driver’s license or non-driver ID

¹⁶⁰ In South Dakota, absentee voting and vote by mail are synonymous.

¹⁶¹ S.D. Codified Laws § 12-19-2.1, unless “regular office hours” run later than 5 p.m., which should not be counted upon unless confirmed.

¹⁶² <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>, S.D. Codified Laws § 12-19-9.

¹⁶³ S.D. Codified Laws § 12-19-12.

¹⁶⁴ S.D. Codified Laws § 12-19-2.

card, passport or other picture ID issued by the United States government, tribal photo ID including a photo, or a current student photo ID issued by a South Dakota high school or an accredited South Dakota university, college or technical school.¹⁶⁵

A voter applying in person to vote absentee at a county auditor’s office will also be asked to show photo ID. If the voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a **regular ballot**.¹⁶⁶

For more about ID requirements see [Question 29](#) and [Question 36](#).

52. EMERGENCY: Is there an emergency absentee ballot? If so, am I eligible?

There is no special “emergency” process for requesting or issuing absentee ballots but there are separate deadlines for regular absentee ballot requests and for absentee ballot requests via authorized messenger in case of confinement due to illness or disability.

Voters may apply for a regular absentee ballot in person no later than 5:00 p.m. local time at the office of the County Election Official ([County Auditor](#)) the day before the election. They may return their absentee ballot at that time. (A possible exception is if “regular office hours” for that particular office run later than 5 p.m., which should not be counted upon unless confirmed.)¹⁶⁷

In the event of confinement because of sickness or disability, a qualified voter may apply in writing to obtain an absentee ballot by authorized messenger. Such an application must be received before 3:00 p.m. on the day of the election, i.e. by 3 p.m. on November 5, 2024 for that day’s 2024 general election.¹⁶⁸ For details see [Question 34](#).

([South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines. The city of Pierre, which is at the time zone boundary, is on Central Time. See the [Hughes County election information page](#).)

53. APPLICATION RETURN: Where and how can I return my absentee ballot application? Can someone return it for me?

A voter’s original, signed absentee ballot application must be returned to their County Auditor (a/k/a County Election Official) either by in-person delivery or by mail.

Solely in the event of confinement because of sickness or disability, a qualified voter may apply in writing on their Absentee Ballot Application and obtain an absentee ballot by authorized messenger who will also deliver the marked ballot on behalf of the voter. The voter designates the authorized messenger in the application. The authorized messenger delivers the ballot from the County Election Official (a/k/a County Auditor) to the 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.

¹⁶⁵ S.D. Codified Laws §§ 12-19-2, 12-18-6.1.

¹⁶⁶ S.D. Codified Laws § 12-19-2.1.; S.D. Administrative Rule 5:02:05:25; [Election Day Precinct Manual](#), Page 11.

¹⁶⁷ S.D. Codified Laws § 12-19-2.1.

¹⁶⁸ S.D. Codified Laws § 12-19-2.1.

See [Question 35](#) and [Question 45](#) re: deliveries by authorized messenger in case of illness or disability. See [Question 34](#) re: details on authorized messengers' roles and duties, and the possibility (only count on if confirmed) of group absentee ballot deliveries to facilities.

See [Question 11](#) for special rules on absentee ballot requests by overseas citizens and military voters and their eligible family members.

54. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my absentee ballot application and/or absentee ballot return?

Voters may check the status of their absentee ballots at <https://vip.sdsos.gov/viplogin.aspx>. See [Question 39](#).

55. APPLICATION OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

A voter should call their County Auditor's office if their absentee ballot application and/or ballot was rejected.

For a list of county auditors' contact information, see <https://vip.sdsos.gov/CountyAuditors.aspx>. The [South Dakota Association of County Officials provides links to some \(not all\) county government websites](#).

Regarding other kinds of rejections:

- For rejections of registration applications, see [Question 4](#).
- For registration confirmation mailings, inactive status, and reasons for revoking registration, see [Question 74](#).
- There is no cure process for rejected provisional ballots. For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

See also [Question 40](#).

56. COMPLETING BALLOT: How do I complete the absentee ballot?

See instructions above at [Question 41](#).

57. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?

Yes. South Dakota law provides that 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 that such voter selects.¹⁶⁹

Federal law protects such assistance by a person of the voter's choice other than the voter's employer or an agent of that employer or an officer or agent of the voter's union.¹⁷⁰

Precincts with large Native American populations must have someone available who is proficient in both the local Sioux dialect and English to provide assistance.¹⁷¹

¹⁶⁹ S.D. Codified Laws § 12-18-25.

¹⁷⁰ 52 U.S. Code § 10508.

¹⁷¹ S.D. Codified Laws § 12-3-10.

See [Question 42](#).

58. BALLOT DEADLINES: What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

Whether a voter’s absentee ballot is returned in person or by mail, the ballot **MUST** be received by the County Election Official (a/k/a [County Auditor](#)) on Election Day with enough time for delivery of the ballot to the voting precinct before the polls close at 7:00 p.m. local time on Election Day (i.e. November 5, 2024 for that day’s 2024 general election). Late ballots will not be counted.¹⁷²

IMPORTANT: A postmark before the deadline is not sufficient to ensure that an absentee ballot is counted. Only actual timely receipt of the ballot by the County Election Official is sufficient. Accordingly, voters who mail in their absentee ballot should mail the ballot as soon as possible to avoid missing the deadline.

See cautions at [Question 64](#) about reasons to consider voting absentee in person at the county auditor’s office, if possible, if the voter has not yet requested or received an absentee ballot and the deadline is approaching.

See [Question 34](#) regarding “authorized messenger” assistance in case of confinement due to illness or disability.

See [Question 11](#) for special rules and options on absentee ballot requests by overseas citizens and military voters and their eligible family members.

See [Question 43](#).

Note: [South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines.

59. BALLOT DROP OFF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?

A voter may return their absentee ballot in person at their County Auditor’s office. See [Question 44](#).

Drop boxes for ballots are prohibited in South Dakota.¹⁷³

60. ASSISTANCE DROPPING OFF: Can someone else drop off my completed ballot for me?

Solely in the event of confinement because of sickness or disability, a qualified voter may apply **in writing** on their Absentee Ballot Application to obtain an absentee ballot by authorized messenger who will also deliver the marked ballot on behalf of the voter. The authorized messenger is designated by the voter in the application. The authorized messenger delivers the ballot from the County Election Official (a/k/a [County Auditor](#)) to the voter and then delivers the marked ballot to the County Election Official. (If there is not enough time left for the county official to transmit the ballot

¹⁷² S.D. Codified Laws § 12-19-12.

¹⁷³ S.D. Codified Laws § 12-19-9.3.

to the voter's home precinct, the messenger may have to hand-deliver it there. If time is short, then, if possible, ask the County Auditor's office where the messenger should take the ballot.)

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 (i.e. November 5, 2024 for the 2024 general election).¹⁷⁴

See [Question 45](#), and see [Question 34](#) re: details on authorized messengers' conduct and roles, and the possibility of a visit by a county auditor's representative to a nursing facility, assisted living center or hospital that is expected to generate five or more absentee ballot requests. (However, it is better for voters not to count on any such arrangement unless they specifically confirm it is provided.)

61. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?

If a voter has lost their absentee ballot or it is spoiled (including by the voter's mistake) or the voter has received an incorrect ballot, the voter should call their County Auditor's office. County auditors' contact information is at [County Auditors](#).

If a voter has not yet cast an absentee ballot, the voter may alternatively vote in person at their polling place. Under South Dakota law, if any voter spoils a ballot, the voter may obtain another ballot by returning the spoiled ballot to a member of the precinct election board. However, a voter may not obtain more than three ballots in all. In order to obtain a new ballot to replace a spoiled one, the voter must give their name and the number of the spoiled ballot so the number can be noted next to the voter's name and the spoiled ballot canceled and set aside in a separate envelope for accounting purposes.¹⁷⁵

See [Question 46](#).

62. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it? Can I do anything?

A voter should call their County Auditor's office if they requested an absentee ballot but have not received the ballot with sufficient time to return the ballot prior to the polls closing on Election Day.

Voters may track their absentee ballot at <https://vip.sdsos.gov/viplogin.aspx>.

Voters may apply in person to the person in charge of the election for an absentee ballot until 5:00 p.m. on the day prior to the election (i.e. November 4, 2024 for the 2024 general election).¹⁷⁶ For a list of county auditors' contact information, see [County Auditors](#).

See cautions at [Question 64](#) about reasons to consider voting absentee in person at the county auditor's office, if possible, if the voter has not yet requested or received an absentee ballot and the deadline is approaching.

¹⁷⁴ *Id.*; see also <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>.

¹⁷⁵ S.D. Codified Laws § 12-18-24.

¹⁷⁶ S.D. Codified Laws § 12-19-2.1, unless "regular office hours" run later than 5 p.m. local time – which should not be counted upon unless confirmed.

A registered voter who has requested an absentee ballot may still vote in person at the polling place for their own precinct on Election Day (i.e. November 5, 2024 for the 2024 general election) if they have not already received and voted an absentee ballot. If the poll worker finds a record of the absentee request, the poll worker must call the County Auditor's office to check whether the absentee ballot was voted already.¹⁷⁷

If the voter believes that the precinct supervisor/deputy is incorrect in stating that the voter has returned their absentee ballot and they did not cast the absentee ballot, the voter may vote by provisional ballot.¹⁷⁸ For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

See [Question 47](#).

63. IN-PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?

If a voter wants to vote **in person at the polls** on Election Day and the voter has not yet cast their absentee ballot, the voter can vote by regular ballot **at their polling place**. The voter is not required to bring the absentee ballot to the polls on Election Day.¹⁷⁹ However, if the voter has already cast their absentee ballot, they may not vote an additional regular ballot.

A registered voter who has requested an absentee ballot may still vote in person at the polling place for their own precinct on Election Day (i.e. November 5, 2024 for the 2024 general election) if they have not already received and voted an absentee ballot. If the poll worker finds a record of the absentee request, the poll worker must call the County Auditor's office to check whether the absentee ballot was voted already.¹⁸⁰

If the voter believes that the precinct supervisor/deputy is incorrect in stating that the voter has returned their absentee ballot and they did not cast the absentee ballot, the voter may vote by provisional ballot.¹⁸¹ For more on provisional ballots see Questions [22](#), [23](#) and [24](#).

See also [Question 48](#).

64. IN-PERSON ABSENTEE: Where do I vote in person absentee? When can I do this?

Anyone registered to vote in South Dakota can vote absentee in-person at their County Auditor's office. If a voter applies to vote absentee in-person, then they may both request and return their absentee ballot up to 5:00 p.m. local time the day before the election (i.e. November 4, 2024 for the 2024 general election).¹⁸²

For information on start dates and availability of absentee voting see [Question 27](#). See [Question 29](#) for ID requirements when voting absentee in person.

¹⁷⁷ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>;
<https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> .

¹⁷⁸ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

¹⁷⁹ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

¹⁸⁰ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>;
<https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf> .

¹⁸¹ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

¹⁸² S.D. Codified Laws § 12-19-2.1.

Since the deadline for applying to vote by absentee ballot is 5:00 p.m. the day before the election, if the voter intends to vote absentee in person, they must do so before 5:00 p.m. the day before the election. (A potential exception, not to be counted on unless specifically confirmed, would be if the voter is certain of being able to vote absentee in person at the office of their county auditor during “regular office hours” that, in the case of that office, run later than 5 p.m. local time.)¹⁸³

A voter should contact their County Auditor for office hours. The Secretary of State provides contact information for [County Auditors](#). The [South Dakota Association of County Officials provides links to some \(not all\) county government websites](#).

[South Dakota is in two time zones: Mountain and Central](#). The Secretary of State’s [2024 Election Calendar](#) specifies “local time” for this and other time-specific deadlines.

POLLING PLACE ISSUES

65. **POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?

Voters should check that the polling location is correct by checking the “Voter Information Portal” (<https://vip.sdsos.gov/viplogin.aspx>). It may also help to look up their county auditor’s contact information at [County Auditors](#) and call there.

The polls must be open from 7:00 a.m. to 7:00 p.m. local time on Election Day (i.e. November 5, 2024 for the 2024 general election), or until the last person who was in line at 7:00 p.m. has voted.¹⁸⁴ Precinct election officials are required to remain at the polling place from the time polls open until the polls have closed and they have completed their duties.¹⁸⁵

See the [2024 Election Day Precinct Manual](#) for more detail on poll workers’ duties and instructions.

66. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I’m in line?

Stay in line. If a voter is in line at the polling place by 7:00 p.m. local time, they must be allowed to vote. (The statute does not refer specifically to lines, but to “...all the voters who have presented themselves at the polling place inside or outside for the purpose of voting prior to the time of closing of the polls...”)¹⁸⁶

Because there may, indeed, be long lines at the polling place, voters may want to bring some food and drink.

¹⁸³ S.D. Codified Laws § 12-19-2.1.

¹⁸⁴ S.D. Codified Laws § 12-2-3.

¹⁸⁵ S.D. Codified Laws § 12-18-1.4

¹⁸⁶ S.D. Codified Laws § 12-2-3.

Under ordinary circumstances, more than thirty minutes waiting time is deemed unreasonable waiting time except at the time when the polls close. In all precincts the board of county commissioners shall adjust the size of any precinct at which there was unreasonable waiting time imposed upon the voters at the last preceding general election.¹⁸⁷

67. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?

A voter should immediately notify the election officers if voting equipment breaks down. If the problem cannot be fixed in a timely manner, the voter should ask if a paper ballot is available. [In South Dakota, voters have the option to mark their ballot by hand or use the ExpressVote machine.](#)

If voting equipment is not functional, or emergency paper ballots are not available, contact local election officials to attempt to resolve the issue. See the [2024 Election Day Precinct Manual](#).

In an emergency such as mechanical failure of a voting machine or a ballot shortage, a county auditor may extend the hours of a polling place.¹⁸⁸

The Secretary of State has posted a [training manual for the ExpressVote machine](#), which has been [adopted in South Dakota for disability access under the Help America Vote Act of 2002](#).

68. **CAMPAIGNING:** What rules apply to people campaigning or “hanging around” my polling place? What counts as campaigning or electioneering? Can people approach me?

Electioneering activities include the use of a public address system or any communication or photographic device in a way that repeatedly interrupts or intimidates election workers or voters, the display of campaign materials or any other means of soliciting votes. These activities are prohibited within 100 feet of the entrance leading into a polling place and can be punished as a criminal misdemeanor.¹⁸⁹

However, each party may have a set number of poll watchers¹⁹⁰ positioned in a location where they can plainly see and hear what is done within the polling place. A candidate who is on the ballot may not be a poll watcher. A candidate may not be at a polling place except to cast their own vote.¹⁹¹ The superintendent at the polling place may order poll watchers and waiting voters to move so that the poll watchers cannot read numbers on photo IDs, see into voting booths, nor interfere with election board members’ work.¹⁹²

See the Secretary of State’s page: [SD Poll Watcher and Observer Guidelines](#).

See [Question 34](#) for restrictions on the conduct and role of an authorized messenger who delivers a ballot for an ill or disabled absentee voter.

¹⁸⁷ S.D. Codified Laws § 12-14-4.

¹⁸⁸ S.D. Codified Laws § 12-2-4.

¹⁸⁹ S.D. Codified Laws § 12-18-3.

¹⁹⁰ S.D. Administrative Rules 5:02:12:01 (primary election); 5:02:12:02 (general election); 5:02:12:03.

¹⁹¹ S.D. Codified Laws § 12-18-9.

¹⁹² S.D. Codified Laws § 12-18-9.1.

69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?

Voters may not, within 100 feet of the entrance leading into a polling place on Election Day¹⁹³:

- Take photos (or use any communication or photographic device) in a way that repeatedly distracts, interrupts, or intimidates any voter or election worker.
- Display campaign posters, signs, or other campaign materials.
- Wear clothing, buttons, or other attire with campaign materials.
- Conduct petition signature gathering.
- Do anything that interferes with other voters' free access to the polls or disrupts the administration of the polling place.

See the Secretary of State's page: [SD Poll Watcher and Observer Guidelines](#).

70. **POLL WORKER CONDUCT:** What is a poll worker prohibited from wearing or doing in a polling place?

Poll workers are prohibited from wearing clothing, buttons or other attire with campaign materials. Poll workers can monitor the polling place, including polling booths (when empty) to ensure no campaign materials are present (and remove any that may have been left there).¹⁹⁴ Precinct superintendents and precinct deputies may not serve as poll watchers.¹⁹⁵

[Election workers' training slides](#) spell out detailed conduct rules. See [County Auditors - Election Resources](#) for further procedural instructions for poll workers.

Poll workers, during primary elections, must ask for or note the voter's party affiliation (which must be consistent with the voter's registration). In a primary election, the voter is given only the ballot for the party which the voter is registered in, except for voters registered as an Independent or No Party Affiliation (NPA).

Poll watchers are permitted in the polling place within limits. Poll workers are specifically required to arrange the polling place so that poll watchers can "plainly see and hear what is done" in the polling place although poll workers may ask them to step back to give voters some privacy.¹⁹⁶ See [Question 68](#) for details.

Any person, except a candidate who is on the ballot, may be at the polling place to observe the voting and counting process. A candidate on the ballot may only be at the polling place to cast their vote.

Each party 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.¹⁹⁷

¹⁹³ S.D. Codified Laws § 12-18-3.

¹⁹⁴ <https://sdsos.gov/elections-voting/assets/ElectionWorkerTraining.pdf>; S.D. Codified Laws §§ 12-18-3, 12-18.9, 12-18-9.1, 12-18-9.2.

¹⁹⁵ S.D. Codified Laws § 12-15-2.1.

¹⁹⁶ S.D. Codified Laws § 12-18-9, 12-1-9.1.

¹⁹⁷ S.D. Codified Laws § 12-18-9.

71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?

If a voter reports any potential voter intimidation, first, urge them to get to a safe location. Once the voter has confirmed they are safe, ask the voter to provide as many details as they can about the situation.

Voters concerned about others' conduct should not take pictures inside the polling place. Intimidating or distracting use of a camera is prohibited. See [Question 68](#) above.

See [Questions 68, 69](#) and [70](#) for restrictions on conduct in or near a polling place, and see the Secretary of State's page: [SD Poll Watcher and Observer Guidelines](#).

South Dakota law broadly prohibits threats, intimidation, attempts to influence employees' political activities or voting, bribery or dishonest election administration.¹⁹⁸ It is a Class 2 misdemeanor to use threats, intimidation or violence to prevent or discourage a voter from voting, including by unlawful arrest.¹⁹⁹

The superintendent of elections may order poll watchers and voters waiting to vote to position themselves where the poll watchers and voters cannot see into voting booths, read identifying numbers on photo identification cards, or interfere with voters in the act of voting or with the official actions of the election board.²⁰⁰ The statute states "Each election officer and all law enforcement officers shall" remove campaign materials and "disobedient persons," and arrest any person interfering with the conduct of the election.²⁰¹

The South Dakota Secretary of State provides a website page on "[Election Calls And Scams](#)" with warnings for voters and contact information to report suspicious communications.

72. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

A member of the precinct election board or a poll watcher may challenge a person's vote only (i) as to the person's identity or (ii) on the grounds that the person has been convicted of a felony or declared mentally incompetent within the 15 days preceding the election.²⁰²

If this challenge is upheld by the precinct superintendent and precinct deputies, then the voter may still cast a provisional ballot. A member of the precinct election board must notify any person who is denied the ability to vote that the person may cast a provisional ballot.²⁰³

See [Question 14](#) on registration challenges, including challenges at polling places, and [Question 82](#) on challenges to voters who use South Dakota mail forwarding services.

¹⁹⁸ See generally S.D. Codified Laws Chapter 12-26, Offenses Against the Elective Franchise.

¹⁹⁹ S.D. Codified Laws § 12-26-12.

²⁰⁰ S.D. Codified Laws § 12-18-9.1.

²⁰¹ S.D. Codified Laws § 12-18-9.2.

²⁰² S.D. Codified Laws § 12-18-10.

²⁰³ S.D. Codified Laws § 12-18-39.

73. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

If there are police or members of the military at the polling place (who do not appear simply to be casting their own votes), the voter should notify the election official immediately, and the voter should still cast their ballot. Election officials are well-trained and there to help.

South Dakota law states “Each election officer and all law enforcement officers shall” remove campaign materials and “disobedient persons,” and arrest any person interfering with the conduct of the election.²⁰⁴

The South Dakota Constitution protects free exercise of the right of suffrage.²⁰⁵ It is a Class 2 misdemeanor to use threats, intimidation or violence to prevent or discourage a voter from voting, including by unlawful arrest.²⁰⁶ See [Question 71](#) regarding intimidation.

74. **THOUGHT WAS REGISTERED:** My name isn’t on the voter registration roll but I thought I was registered. What should I do?

There are a number of reasons why a voter’s name could have been removed from the registration rolls. The election auditor regularly removes the names from the registration rolls of those declared mentally incompetent, deceased, or serving a sentence for a federal or state felony conviction.²⁰⁷ A voter’s registration is to be investigated, and may be removed from the rolls, if the voter is excused from jury duty for any of these reasons or because the voter moved away or is not a U.S. citizen.²⁰⁸

A voter’s registration may also be removed if a voter has not voted, updated any information in their voter registration, or replied to a confirmation request in the previous four consecutive years **and** fails to reply to a verification request through the mail.²⁰⁹

The South Dakota Administrative Rules specify forms for several types of mailings for county auditors to send to voters by non forwardable mail questioning or revoking the voter’s registration and inviting the voter to respond in a specified way – for example, by returning a confirmation card or providing corrected information. A voter who does not respond to one of these mailings is removed from the rolls or placed on the inactive list, depending on the issue.²¹⁰

The poll worker should consult their County Auditor to check to see if the voter’s name is in another precinct, or was erroneously removed.²¹¹

If a voter’s name has been moved to the inactive registration list, the voter may still vote on a regular ballot after completing an affirmation of the voter’s address in South Dakota.²¹²

²⁰⁴ S.D. Codified Laws § 12-18-9.2.

²⁰⁵ S.D. Const., art. VII, § 1.

²⁰⁶ S.D. Codified Laws § 12-26-12.

²⁰⁷ S.D. Codified Laws § 12-4-18.

²⁰⁸ S.D. Codified Laws § 12-4-57.

²⁰⁹ S.D. Codified Laws § 12-4-19.

²¹⁰ See S.D. Administrative Rules 5:02:03:16 - 5:02:03:27.

²¹¹ <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

²¹² S.D. Codified Laws § 12-18-7.4.

If the voter's name does not appear on the list of registered voters but the voter maintains that they are currently registered to vote in that precinct, the voter may cast a provisional ballot after completing an affirmation.²¹³

Note: The following steps can be taken to help 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 at the "Voter Information Portal" website (<https://vip.sdsos.gov/viplogin.aspx>) to make sure they are registered to vote and at the right place.
- Has the voter moved recently? Could they be registered at an old address? Check that address in the registration lookup tool at the "Voter Information Portal" website.
- 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 at the "Voter Information Portal" website.
- When/where did the voter register to vote? Was that before the deadline?

75. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do?

See info in the [How to Vote: Election Day](#) section. [Questions 22, 23](#) and [24](#) address provisional ballots. See [Question 74](#) above for reasons why a person's name might not appear on the rolls at a polling place.

The voter should inquire why they were offered a provisional ballot and request a regular ballot if the voter thinks this is incorrect. 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) are successfully challenged on the basis of either (i) identity, or (ii) that the person has been convicted of a felony or declared mentally incompetent in the 15 days prior to the election,²¹⁴ or (c) are otherwise denied the ability to vote, the voter may cast a provisional ballot.²¹⁵

A provisional ballot should be a last resort.

If a voter's name has been moved to the inactive registration list, the voter may still vote on a regular ballot after completing an affirmation of the voter's address in South Dakota.²¹⁶

If the voter is told that they are attempting to vote in the wrong precinct and that they may vote in the precinct listed as correct, see [Question 8](#) and [Question 22](#).

NOTE: An election worker must inform any person who is denied the ability to vote by regular ballot that the person may cast a provisional ballot.²¹⁷

²¹³ S.D. Codified Laws § 12-18-39; <https://sdsos.gov/elections-voting/assets/PollingPlaceKey.pdf>.

²¹⁴ S.D. Codified Laws § 12-18-10.

²¹⁵ S.D. Codified Laws §§ 12-18-6.3, 12-18-39, 12-28-40.

²¹⁶ S.D. Codified Laws § 12-18-7.4.

²¹⁷ 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

A provisional ballot may only be counted if it was cast in the correct precinct for the residence address that appeared on that voter’s registration form.²¹⁸ (However, this restriction may be functionally more flexible if the voter is registered in one of the small number of “[Vote Center Counties](#),” where voters anywhere in the jurisdiction may be able to vote in any of several “Vote Centers.” See [Question 16](#) for more information on Vote Center Counties and check local rules.)

ACCESSIBILITY/ASSISTANCE

76. **EQUIPMENT ASSISTANCE:** I don’t know how to use the voting equipment. Can I get help?

Yes. Any voter may request instructions on the proper procedure for marking a ballot before entering the voting booth. No instructions may be given to the voter while they are in the voting booth. However, any voter using an electronic ballot marking system may request instructions on 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 them.²¹⁹

[In South Dakota, voters have the option to mark their ballot by hand or use the ExpressVote machine.](#)

The Help America Vote Act (HAVA) requires that each polling place for any Federal election provide a voting device equipped to allow voters with disabilities the means to vote independently and privately. South Dakota has chosen the ExpressVote by Election Systems and Software.²²⁰ The Secretary of State’s website provides an [ExpressVote training manual](#) among its [election resources for county auditors](#).

77. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

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.²²¹ Voters can contact their local County Election Official (a/k/a [County Auditor](#)) before Election Day if special arrangements are needed. Federal law requires all polling places to be accessible. If a voter feels a polling place is inaccessible, their County Auditor should be contacted.

The Help America Vote Act (HAVA) requires that each polling place for any Federal election provide a voting device equipped to allow voters with disabilities the means to vote independently and privately. South Dakota has chosen the ExpressVote by Election Systems and Software.²²² The Secretary of State’s website provides an [ExpressVote training manual](#) among its [election resources for county auditors](#).

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. See also the Secretary of State’s posted [Provisional Ballot Processing Criteria](#).

²¹⁸ S.D. Codified Laws § 12-20-5.1, [Provisional Ballot Processing Criteria](#).

²¹⁹ S.D. Codified Laws § 12-17B-7.

²²⁰ <https://sdsos.gov/elections-voting/voting/polling-place-accessibility.aspx>.

²²¹ S.D. Codified Laws § 12-18-25.

²²² <https://sdsos.gov/elections-voting/voting/polling-place-accessibility.aspx>.

See [Question 34](#) and [Question 45](#) re: delivery of ballot by authorized messenger in case of confinement due to illness or disability.

Caution about time to vote: Voters are only permitted 10 minutes to cast their ballots and are prohibited from returning to the voting booth or voting machine after that time.²²³

78. READING/LANGUAGE ASSISTANCE: I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. South Dakota law provides that any voter who by reason of physical disability or who is unable to read and write or mark a ballot may receive the assistance of any person the voter selects.²²⁴

Federal law protects such assistance by a person of the voter’s choice other than the voter’s employer or an agent of that employer or an officer or agent of the voter’s union.²²⁵

Precincts with large Native American populations **must** have someone available who is proficient in both the local Sioux dialect and English to provide assistance.²²⁶

79. LANGUAGE ACCESS: I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

Yes. Precincts with large Native American populations **must** have someone available who is proficient in both the local Sioux dialect and English to provide assistance.²²⁷

County election officials are required to provide precinct interpreters.²²⁸ Each political party or independent candidate or group proposing or opposing a measure may have interpreters present.²²⁹

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 who such voter selects.²³⁰

Federal law protects such assistance by a person of the voter’s choice other than the voter’s employer or an agent of that employer or an officer or agent of the voter’s union.²³¹

80. CURBSIDE VOTING: Is curbside voting available? How do I request it?

No, South Dakota law does not permit curbside voting.²³² For in-person absentee voting see the sections above on [“In-Person Early Voting”](#) and [“How to Vote: Absentee.”](#)

²²³ S.D. Codified Laws § 12-18-15.

²²⁴ S.D. Codified Laws § 12-18-25.

²²⁵ 52 U.S. Code § 10508.

²²⁶ S.D. Codified Laws § 12-3-10.

²²⁷ S.D. Codified Laws § 12-3-11, 12-3-12.

²²⁸ S.D. Codified Laws §§ 12-3-10.

²²⁹ S.D. Administrative Rule 5:02:11:05. Rule 5:02:11:03 in the Voting Rights Act compliance segment of the Administrative Rules defines “Language minority” to include “persons who are American Indian, Asian American, Alaskan natives or of Spanish heritage,” but it is unclear if translation must be available for more languages.

²³⁰ S.D. Codified Laws § 12-18-25.

²³¹ 52 U.S. Code § 10508.

²³² <https://sdsos.gov/elections-voting/assets/2022PrecinctManual.pdf>.

81. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

South Dakota law does not specifically prohibit voting guides or reference notes. Voters are only permitted 10 minutes to cast their ballots and are prohibited from returning to the voting booth or voting machine after that time.²³³

STATE SPECIFIC SUPPLEMENT

82. **VOTING WHILE UNHOUSED?** How do I vote if I do not currently have a permanent address?

All voters, but especially voters who have moved or lost housing recently, or who do not live in the same place year-round, may wish to check and, if necessary, update their voter registration status more than 30 days ahead of the next election.

South Dakota residency laws were amended in 2023 to require an otherwise eligible voter to maintain residence for 30 days, within a new definition of the term, before they may register to vote in South Dakota.²³⁴

The new legislation followed controversy over voting in South Dakota by permanent RV residents and others who use mail forwarding services.²³⁵ The primary 2023 voting residency law changes were made by the 2023 legislative session's [SB 139 \(2023 Session Laws Chapter 42\)](#) and [SB 140 \(2023 Session Laws Chapter 44\)](#).

As explained further at [Question 1](#):

Residence means the place in which a person is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode to which the person returns after a period of absence.

- A person who leaves the residence and goes into another county of South Dakota or another state or territory for a temporary purpose has not changed residence.
- A person is considered to have gained residence in any county or municipality of South Dakota in which the person actually lives, if the person has no present intention of leaving.
- **A person retains residence in South Dakota until another residence has been gained.** If a person moves from South Dakota to another state or territory, with the intention of making it the person's permanent home, the person loses residence in South Dakota.²³⁶

A person's mailing address and their residence address can be different.

The South Dakota voter registration form has a space for a voter to describe their physical residence, inviting the voter to provide an explanation "if you live in a rural area and do not have a street

²³³ S.D. Codified Laws § 12-18-15.

²³⁴ S.D. Codified Laws §§ 12-4-1, 12-4-1.2. (Per SB 139, SB 140, enacted 2023.)

²³⁵ See especially S.D. Codified Laws §§ 12-4-1 and 12-4-1.2.

²³⁶ S.D. Codified Laws § 12-1-4.

address; if your residence address is a PO box, rural box, or general delivery; or if you have no address...²³⁷

Helpful materials above may include [Question 1](#) on residency requirements; [Question 3](#) on checking registration status and where to vote; [Question 8](#) for voters who have moved permanently since last registering to vote; the sections on [early voting](#) and [absentee voting](#), and [Question 74](#) on reasons why a person may be removed from the voting rolls, including by the mail confirmation process that requires a response from the voter to keep or revive the registration.

Unhoused persons in Minnehaha County (Sioux Falls area) have sometimes received mail at the [Bishop Dudley Hospitality House](#) or at the [Banquet](#) food program. However, organizations and their policies can change. It is best for a voter to inquire directly into the nature, limits and terms of any mail service and to confirm they have permission to use it before trusting it with their mail.

Challenges claiming that the identity of the voter is not the same as the voter's claimed registration have been raised during 2024 in efforts to challenge residency, especially of voters who use mail forwarding services and vote absentee. The legitimacy of this approach is currently disputed. See [Question 14](#) on registration challenges.

83. **QUESTIONS:** Who should I contact if I have questions about any of the above?

If the voter has any additional questions, the voter should visit the website of the South Dakota Secretary of State at <https://sdsos.gov/elections-voting/voting/default.aspx>.

Voters may also contact their County Auditor. For a list of county auditors' contact information, go to [County Auditors](#).

The Secretary of State's [Auditor Resources](#) page has useful links to regulations and administrative guidance for county auditors in carrying out their duties. Note, however, that the 2023 Codified Laws and Administrative Rules on that page may be dated. The [State Legislature's Codified Laws page](#) and its [Administrative Rules page](#) are updated more often.

The [South Dakota Association of County Officials provides links to some \(not all\) county government websites](#).

²³⁷ South Dakota Secretary of State, [voter registration form](#), at <https://sdsos.gov/elections-voting/voting/register-to-vote/default.aspx>