

SOUTH DAKOTA

VOTER REGISTRATION

These resources are current as of 8/18/14. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

This guide summarizes key aspects of laws governing voter registration on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

GOVERNING LAW

- The governing state law in South Dakota is found at [S.D. Codified Laws Title 12, Chapter 4](#) and ARSD (South Dakota's administrative regulations) [Article 5:02](#).

DEADLINES FOR REGISTRATION

- **Deadline for registering**
 - The deadline for registering to vote is 5:00 p.m. 15 days preceding the election. A registration card will also be accepted if mailed to the appropriate county auditor and postmarked 30 days or more prior to the election. Overseas voters may be able to register to vote after this deadline. S.D. Codified Laws § 12-4-4.6.
- **Does state offer Election Day registration?**
 - No. An individual registering to vote during the 2 weeks before the election, including on Election Day, may only vote in a subsequent election. If

a person believes they should be on the voter registration list on Election Day, the person may cast a provisional ballot.

- **Does state allow by-mail registration?**
 - Yes. Any completed mail registration card mailed to the appropriate county auditor and postmarked not less than 30 days preceding an election shall be added to the registration file. S.D. Codified Laws § 12-4-5.
- **May voter register before turning 18?**
 - Yes, provided that the voter will be 18 at the next ensuing municipal, primary, general, or school district election. S.D. Codified Laws §§ 12-4-1; 12-3-1.

VOTER ID REQUIREMENTS

- **Required for registration? If so, what kinds of ID?**
 - A person registering to vote must provide either their South Dakota driver license number, or they do not have a South Dakota driver license, the last four digits of their Social Security number. If a person does not have a South Dakota driver license number or a Social Security number, the person may only register at the county auditor's office and must sign a statement of such fact. The State Board of Elections prescribes the statement. S.D. Codified Laws §12-4-5.4; S.D. Admin. Rules § 5:02:03:21..
 - An applicant who completes a voter registration card at a driver's license station must also sign a signature card from the Department of Safety. This signature is then digitized and used to prepare the registration card as provided in S.D. Codified Laws §§ 12-4-5; 12-4-6.
- **Required for voting? If so, what kinds of ID?**
 - To vote, one must present a photo ID, such as a South Dakota driver license or nondriver ID card; a United States government photo ID; a tribal photo ID; or a current student photo ID from a South Dakota high school or South Dakota accredited institution of higher education.
 - If one is unable to produce such a photo ID, the voter must sign an affidavit. S.D. Codified Laws § 12-18-6.2; S.D. Admin. Rules § 5:02:05:25
- **Requirement to provide proof of citizenship to register and/or vote?**

- The voter registration forms simply ask if the person is a citizen of the United States. If the person marks no, the person is instructed not to complete the form.

VOTER REGISTRATION DRIVES

- **Does state accept National Voter Registration Act (NVRA) registration forms? Any restrictions?**
 - Yes, without restrictions. S.D. Codified Laws § 12-4-32. Additionally, groups can print their own forms that comply with the Secretary of State's Regulations set out in [5:02:03:01](#).
- **May groups “cage” completed registration forms (i.e. asks voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?**
 - South Dakota law is silent on the first two questions.
 - Any private entity or individual registering a person to vote must file the complete registration form with the county auditor within 10 days or by the voter registration deadline, whichever occurs first. Violation of this statute is a Class 2 misdemeanor. S.D. Codified Laws § 12-4-3.2.
- **May a group “pre-fill” some or all of the form before sending/giving it to a would-be registrant?**
 - South Dakota law is silent on this question.
- **May voter registration drive workers assist a voter in completing their registration form?**
 - South Dakota law is silent on this question.
- **Does state require training of voter registration workers?**
 - No. Although the county auditor must provide mail registration cards along with [instructions](#) on how to properly register voters to private entities and individuals, training is not required. S.D. Codified Laws § 12-4-3; S.D. Rules § 5:02:03:13.. The Secretary of State's office also provides some [tips](#) for volunteers and employees registering voters.
- **Does state require registration of voter registration drives? If so, for by-mail drives, too?**
 - South Dakota law is silent on this question.
- **Any requirement that a group must provide information to voters about how they may contact the group to determine the status of their registration?**

- Yes. Each private entity or individual shall provide the person they are registering with their contact information. S.D. Codified Laws § 12-4-3.

- **May a group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?**
 - Yes. There is no prohibition on hiring a person paid on an hourly or salaried basis to register voters, but no person may employ, reward, or compensate any person to register voters based on the number of voters registered. S.D. Codified Laws § 12-4-52. (Also, no person may receive any wages, reward, or compensation for registering voters based on the number of voters registered.) Any violation of these statutes is a Class 2 misdemeanor. S.D. Codified Laws § 12-4-53.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

State agencies:

Secretary of State
Capitol Building
500 East Capitol Avenue Ste 204
Pierre, SD 57501-5070

Phone: (605) 773-3537

Fax: (605) 773-6580

Email: sdsos@state.sd.us

Website: <https://sdsos.gov/elections-voting/voting/default.aspx>

Local agencies:

List of South Dakota county auditors and contact information:

<https://sdsos.gov/contact-us/county-auditors.aspx>

FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney

one-on-one counseling service:

**Email: Advocacy@afj.org
Telephone: 1-866-NPLOBBY
(675-6229)**

For assistance regarding state law in South Dakota, please contact:

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