

## Key Points on Elections for South Dakota

January 18, 2023

### South Dakota Elections Data

- [Voter turnout](#) in 2020: 65.97% (national average: 67.87%)
- [Voter registration rate](#) in 2020: 84% (national average: 87.3%)
- [Voting wait time](#) in 2020: 5.2 minutes (national average: 11.6 minutes)
- [Unreturned military and overseas ballots](#) in 2020: 3.17% (national average: 20.65%)
- [Primary type](#): Partially closed (parties decide whether to permit unaffiliated voters to participate)
- [2020 CARES Act Funding](#) for election upgrades: \$3 million in 2020



### South Dakota Election Policies in Comparison to the Nation

- [Online voter registration](#) available in 42 states and Washington, D.C. | South Dakota: No
- [Automated voter registration](#) available in 22 states and Washington, D.C. | South Dakota: No
- [Photo voter ID for in-person voting](#) required in 18 states | South Dakota: Yes
- [Early in-person voting](#) available in 46 states | South Dakota: Yes
- [No-excuse absentee voting](#) permitted in 35 states | South Dakota: Yes
- [Absentee/mail ballot return deadline](#) is Election Day in 30 states | South Dakota: Yes
- [Electronic ballot return for military and overseas voters](#) available in 31 states | South Dakota: No
- [Double voting \(voting in more than one state\)](#) is explicitly prohibited in 13 states | South Dakota: Yes
- [Post-election tabulation audits](#) required in 41 states | South Dakota: No

### Voter Registration List Maintenance

- Voter registration lists are ever-changing, as young people become eligible to vote and other voters move or pass away.
- Clean voter lists ensure only eligible electors can cast a ballot; minimize wait times at the polls; reduce the number of provisional ballots cast (which saves time and money); and help election officials plan how to deploy their resources on Election Day. All states do periodic [voter registration list maintenance](#) to keep their records current and accurate by removing voters who are deceased or who have moved to an address outside the jurisdiction.
- Two federal laws—the [National Voter Registration Act of 1993 \(NVRA\)](#) and the [Help America Vote Act of 2002 \(HAVA\)](#)—set minimum requirements for state action on list maintenance, including how records can be removed. In general, a voter's record can be inactivated or removed from the rolls if they have not participated in two full election cycles and have not responded to repeated attempts to contact them. The NVRA prescribes a notification process that states must follow before they can remove voters who have moved and failed to update their registration.
- HAVA required states to develop a computerized, statewide voter registration list and to use data from state departments of corrections, vital statistics and other state agencies to keep voter records current. HAVA also clarified the language in the NVRA that prohibits removing a voter solely for failure to vote; their record can be removed after two full election cycles.

- 33 states and Washington, D.C. participate in an interstate compact, the [Electronic Registration Information Center](#) (ERIC), which provides reports on voters who are potentially registered in more than one state (or at more than one address in a state), or where evidence is available that they may have died, moved or been convicted of a felony.
- 2022 legislative action: [Arizona](#), [California](#), [Florida](#), [Idaho](#), [Missouri](#), [Oklahoma](#), [Oregon](#), [Rhode Island](#), [South Carolina](#), [Utah](#), and [Virginia](#) all passed legislation updating their list maintenance procedures.

### Post-Election Audits

- A statutorily required post-election tabulation audit checks that the equipment and procedures used to count votes during an election worked properly. A **traditional post-election audit** compares the voter verifiable paper record—usually the ballot—in a fixed percentage of voting districts to the results produced by the vote tabulator.
- A **risk-limiting audit** (RLA) has the same goal as a traditional post-election audit, except it uses a statistically based technique to determine the number of ballots to be audited. In races with a large margin between the top two candidates, fewer ballots must be counted to achieve statistical confidence that the outcome was correct. If the race is tighter, however, a greater number of ballots must be audited, escalating to a full recount in very tight races.
- 34 states and Washington, D.C. require traditional post-election audits.
- Three states require RLAs; eight have pilot programs; and four give counties the option of using risk-limiting audits.
- 2022 legislative action: [Idaho](#) and [Louisiana](#) enacted legislation requiring traditional post-election audits, and [Maine](#) passed legislation establishing an RLA pilot for the 2024 general election.

### Other Legislative Topics NCSL Anticipates in 2023:

- **Cybersecurity:** What technology and training is needed? Are all jurisdictions using .gov domains?
- **Election costs:** Who pays—federal, state or counties? How is federal funding allocated or used?
- **Technology:** Do all counties use the same equipment? Should they? When is replacement needed?
- **Absentee Voting Details:** On absentee ballots where the signature doesn't match, is the voter able to "cure" the ballot? Can small elections be conducted entirely by mail? Are drop boxes regulated?
- **Speedy results:** When must absentee/mail ballots be returned? Can they be processed before Election Day?
- **Emergencies:** Do current laws allow for nimble responses to unexpected events?
- **Poll workers:** How much are they paid and how are they trained? Can they come from surrounding counties?

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