

## 2024 South Dakota Legislature

**Senate Bill 99****AMENDMENT 99A  
FOR THE INTRODUCED BILL**

1 **An Act to modify provisions pertaining to ~~the deadlines for the filing of certain~~**  
2 **~~election-related documents applying for an absentee ballot application.~~**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **~~Section 1. That § 12-4-5 be AMENDED:~~**

5 ~~12-4-5. The county auditor shall enter in the master registration file the name of each eligible~~  
6 ~~person whose completed application for registration and mail registration card is received no~~  
7 ~~later than 5:00 p.m. local time during regular business hours at least fifteen days preceding~~  
8 ~~the election by the county auditor or the local, state, or federal agency responsible for~~  
9 ~~conducting voter registration under this chapter. A voter registration completed at any local,~~  
10 ~~state, or federal agency during any week commencing on Tuesday through the following~~  
11 ~~Monday shall must be sent to the appropriate county auditor by the agency receiving the~~  
12 ~~registration or mail registration card no later than the following Wednesday. The State Board~~  
13 ~~of Elections may shall promulgate rules, pursuant to chapter 1-26, prescribing the method for~~  
14 ~~the alternative transmission of voter registration information by computer from the agency to~~  
15 ~~the secretary of state. The name of any voter who has registered to vote by 5:00 p.m. local~~  
16 ~~time the close of regular business hours fifteen days preceding a runoff election shall must be~~  
17 ~~added to the file used for the runoff election.~~

18 **~~Section 2. That § 12-6-4 be AMENDED:~~**

19 ~~12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9,~~  
20 ~~no candidate for any office to be filled, or nomination to be made, at either or both the primary~~  
21 ~~or general election, other than a presidential election, may have that person's name printed~~  
22 ~~upon the official primary election ballot of that person's party, unless a petition has been filed~~  
23 ~~on that person's behalf after December thirty first and by but before the close of regular~~  
24 ~~business hours for the office where the petition must be filed on the last Tuesday of March at~~  
25 ~~five p.m. local time before the date of the primary election. If The petition is considered timely~~

1 ~~submitted if the petition is mailed by registered mail by five p.m., local time, on the last~~  
2 ~~Tuesday of March at five p.m. local time before the primary election, the petition shall be~~  
3 ~~considered timely submitted. A nominating petition for national convention delegates and~~  
4 ~~alternates as provided in § 12-5-3.11 shall must be filed in accordance with the provisions of~~  
5 ~~this section. Nominating petitions for all party and public offices except legislative and judicial~~  
6 ~~offices shall must be filed in the office of the county auditor of the county in which the person~~  
7 ~~is a candidate. Nominating petitions for legislative and judicial office, whether elected in one~~  
8 ~~or more counties, and all other party and public offices to be voted on in more than one county~~  
9 ~~shall must be filed in the Office of the Secretary of State.~~

10 **Section 3. That § 12-6-8.1 be AMENDED:**

11 ~~**12-6-8.1.** Any person may have his or her name withdrawn withdraw from the primary~~  
12 ~~election by making a written request under oath. The request shall must be filed with the~~  
13 ~~officer with whom the nominating petition was filed pursuant to § 12-6-4, not later than the~~  
14 ~~close of regular business hours for the office where the petition is filed two days after the last~~  
15 ~~Tuesday in March at five p.m. If. The request is properly filed if the request is mailed by~~  
16 ~~registered mail not later than five p.m., local time, two days after the last Tuesday in March~~  
17 ~~at five p.m., the request is properly filed. No name that is withdrawn pursuant to this section~~  
18 ~~may be printed on the ballots to be used at the election.~~

19 **Section 4. That § 12-6-55 be AMENDED:**

20 ~~**12-6-55.** Any person nominated to any elective office may cause that person's name to be~~  
21 ~~withdrawn withdraw from the nomination by request in writing, subscribed and sworn to by~~  
22 ~~that person before any officer qualified to administer oaths and take acknowledgments. The~~  
23 ~~request shall must be filed with the officer with whom the nominating petition was filed~~  
24 ~~pursuant to § 12-6-4, not later than the close of regular business hours for the office where~~  
25 ~~the petition is filed on the first Tuesday in August at 5:00 p.m. before the next election. No~~  
26 ~~person's name withdrawn under this section may be printed upon the ballots for that office~~  
27 ~~unless the same person is subsequently selected to fill the vacancy in accordance with § 12-~~  
28 ~~6-56.~~

29 **Section 5. That § 12-7-1 be AMENDED:**

30 ~~**12-7-1.** Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is~~  
31 ~~not nominated by a primary election may be nominated by filing a certificate of nomination~~

1 ~~with the secretary of state or county auditor as prescribed by § 12-6-4, after December thirty-~~  
2 ~~first and by but before the close of regular business hours for the office where the petition~~  
3 ~~must be filed on the last Tuesday of April at 5:00 p.m. local time before the election. A~~  
4 ~~certificate of nomination shall must be executed as provided in chapter 12-6. If A certificate~~  
5 ~~of nomination is timely submitted if the certificate of nomination is mailed by registered mail~~  
6 ~~by the last Tuesday of April at 5:00 five p.m., local time, before the election, it is timely~~  
7 ~~submitted. The certificate of nomination shall must be signed by registered voters within the~~  
8 ~~district or political subdivision in and for which the officers are to be elected. The number of~~  
9 ~~signatures required may not be less than one percent of the total combined vote cast for~~  
10 ~~Governor at the last certified gubernatorial election within the district or political subdivision.~~  
11 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the~~  
12 ~~forms for the certificate of nomination.~~

13 **Section 6. That § 12-7-7 be AMENDED:**

14 ~~**12-7-7.** Any candidate for President or Vice President of the United States who is not~~  
15 ~~nominated by a primary election may be nominated by filing with the secretary of state, after~~  
16 ~~December thirty first and by but before five p.m., central time, on the first Tuesday in August~~  
17 ~~at 5:00 p.m. central time before the election, a certificate of nomination which shall that must~~  
18 ~~be executed as provided in chapter 12-6. If A certificate of nomination is timely submitted if~~  
19 ~~the certificate of nomination is mailed by registered mail by five p.m., central time, on the~~  
20 ~~first Tuesday in August at 5:00 p.m. central time before the election, it is timely submitted.~~  
21 ~~The number of signatures required may not be less than one percent of the total combined~~  
22 ~~vote cast for Governor at the last certified gubernatorial election within the state. An~~  
23 ~~independent candidate for President shall file a declaration of candidacy and a certification of~~  
24 ~~the candidate's selection for Vice President with the secretary of state with the candidate's~~  
25 ~~nominating petitions. The candidate and the candidate's selection for Vice President shall must~~  
26 ~~sign the certification before the nominating petitions are submitted. If an independent~~  
27 ~~candidate for Vice President withdraws pursuant to § 12-6-55, no independent candidate for~~  
28 ~~President shall may have the candidate's name printed upon a ballot unless a replacement~~  
29 ~~selection for Vice President is certified to the secretary of state by the second Tuesday in~~  
30 ~~August. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~  
31 ~~prescribing the forms for the certificate of nomination and the certification for Vice President.~~

32 **Section 1. That § 12-19-2.1 be AMENDED:**

1           **12-19-2.1.** ~~At any time~~ any time prior to an election, a voter may apply for an  
2 absentee ballot in person at the office of and to the person in charge of the election ~~for an~~  
3 ~~absentee ballot~~ during regular office hours ~~up to 5:00 or until four five~~ four five p.m. on the day  
4 before the election, whichever is later. If the voter applies in person, the voter ~~shall~~ must  
5 complete a combined absentee ballot application/ ~~application form and~~ return envelope  
6 and show the person in charge of the election the voter's identification card as required in  
7 § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

8           In the event of confinement because of sickness or disability, a qualified voter may  
9 apply in writing pursuant to the provisions of § 12-19-2 ~~in writing~~ and obtain an absentee  
10 ballot by authorized messenger ~~so~~ designated over the signature of the voter. The person  
11 in charge of the election ~~may deliver~~ shall provide the ballot to be delivered to the qualified  
12 voter to the authorized messenger ~~a ballot to be delivered to the qualified voter. Any. An~~  
13 ~~application for~~ to have a ballot delivered by authorized messenger must be received by  
14 the person in charge of the election before ~~3:00~~ three p.m. on the day of the election. If  
15 the application designating an authorized messenger also indicates a request for an  
16 absentee ballot for any future election, ~~such the~~ absentee ballot shall must be mailed to  
17 the address provided on the application. If no address is provided, the ballot ~~shall~~ must  
18 be mailed to the person's voter registration address.

19 ~~**Section 8.** Sections 1 to 6, inclusive, of this Act are effective January 1, 2025.~~