



2025 South Dakota Legislature

House Bill 1104

Introduced by: **Representative Baxter**

1 **An Act to amend the requirements for a paper ballot.**

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

3 **Section 1. That § 12-16-2 be AMENDED:**

4 **12-16-2.** ~~All official ballots shall~~ An official ballot must be printed on ~~good quality~~
5 ~~bond white~~ paper, in black ink, and in the English language. The paper must have:

6 (1) A weight of at least eighty pounds;

7 (2) An opacity of at least ninety-five percent;

8 (3) A brightness of at least ninety-six percent; and

9 (4) A thickness of at least six one-thousandths of an inch.

10 A sample ballot published by the county auditor must have any timing marks
11 removed from the ballot and must be printed on yellow paper that has a weight of at least
12 twenty pounds, in black ink, and in the English language. Each sample ballot must have
13 the word sample printed at the top of the ballot.

14 ~~The names of candidates~~ name of each candidate for each office ~~shall~~ must be
15 printed in large type under the designation of the party for which the nomination is made,
16 so that all the names of candidates for each party are in separate columns, the names of
17 candidates for each office are directly opposite each other, and the names of all
18 independent candidates occupy a separate column under the heading, independent
19 candidates.

20 ~~In precincts~~ a precinct using automatic tabulating systems, the ballot information,
21 whether placed on the ballot or on the marking device, ~~shall~~ must, as far as practicable,
22 be in the order or arrangement provided for paper ballots, ~~except that such~~ the information
23 may be in vertical or horizontal rows, or on a number of separate pages. ~~No~~ An individual
24 race or ballot question may not be divided between pages. One ballot card may be used
25 for recording a voter's vote on all races and measures.

26 **Section 2. That § 12-16-2.1 be AMENDED:**

1 **12-16-2.1.** ~~The State Board of Elections shall, by rule adopted pursuant to chapter~~
2 ~~1-26, establish the color for sample and official ballots and of ballots to be voted in all~~
3 ~~elections so as to differentiate between the political, nonpolitical, party, and ballot~~
4 ~~question ballots.~~ In primary elections, a separate ballot label booklet, marking device, and
5 voting booth ~~shall~~ must be used for each political party holding a primary.

6 For a primary election, the ballot provided to a voter must have:

- 7 (1) For a voter registered with the Republican party, a red border;
8 (2) For a voter registered with the Democratic party, a blue border; and
9 (3) For a non-partisan ballot, a black border.

10 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
11 establishing the border color for sample and official ballots for any new political party
12 organized pursuant to § 12-5-1, or a political party meeting the requirements for
13 alternative political status as defined in § 12-1-3.1, which participates in the primary
14 election.