

2026 South Dakota Legislature

Senate Bill 177**AMENDMENT 177C
FOR THE INTRODUCED BILL**

1 **An Act to ~~require that a voter use a black ink pen when marking an optical scan~~**
2 **~~ballot~~ clarify the requirements for marking an optical scan ballot.**

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

4 **Section 1. That § 12-18-16.1 be AMENDED:**

5 **12-18-16.1.** If an optical scan ballot is used, the ~~voter may use a pencil or other~~
6 ~~marking instrument provided~~ must use a black ink ballpoint pen to mark the voter's choice
7 ~~on the ballot~~ person in charge of the election must:

8 (1) Provide a black ink pen for each in-person voter to mark the voter's choice on the
9 ballot; and

10 (2) Provide instructions to each voter who applies to vote by absentee ballot that the
11 voter use a black ink pen to mark the voter's choice on the ballot.

12 The person in charge of the election may not disqualify any ballot marked by a
13 writing instrument other than a black ink pen.