

## 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   **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.