



## 2026 South Dakota Legislature

# Senate Bill 177

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Blanc**

1 **An Act to clarify the requirements for marking an optical scan ballot.**

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

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

4 **12-18-16.1.** If an optical scan ballot is used, the ~~voter may use a pencil or other~~  
5 ~~marking instrument provided to mark the voter's choice on the ballot~~ person in charge of  
6 the election must:

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

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

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