



2026 South Dakota Legislature
Senate Bill 177
ENROLLED

AN ACT

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

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

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

12-18-16.1. If an optical scan ballot is used, the person in charge of the election must:

- (1) Provide a black ink pen for each in-person voter to mark the voter's choice on the ballot; and
- (2) Provide instructions to each voter who applies to vote by absentee ballot that the voter use a black ink pen to mark the voter's choice on the ballot.

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

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

I certify that the attached Act originated in
the:
Senate as Bill No. 177

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 177
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State