



2023 South Dakota Legislature

House Bill 1217

Introduced by: **Representative** Odenbach

1 **An Act to modify the requirements for eligibility to vote by absentee ballot.**

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

3 **Section 1. That § 12-19-1 be AMENDED:**

4 **12-19-1.** A ~~registered~~-voter who is registered pursuant to chapter 12-4 and is not
 5 otherwise disqualified by law from voting in the election may vote by absentee ballot if:

6 (1) The voter expects to be or may be absent outside the county, state, or the United
 7 States on the day that any election is held;

8 (2) The voter is within the county on the day of the election, but will be unable to cast
 9 a ballot at the polling place in the voter's election district because of permanent or
 10 total physical disability; illness; temporary physical disability; the observance of a
 11 religious holiday pursuant to the tenets of a voter's religion; resident attendance
 12 at a school, college, or university; or the nature and hours of the voter's
 13 employment; or

14 (3) The voter is an absent uniformed services voter or an overseas voter, as those
 15 terms are defined by the Uniformed and Overseas Citizens Absentee Voting Act,
 16 52 U.S.C. § 20310, as of January 1, 2023.

17 **Section 2. That § 12-19-1.2 be AMENDED:**

18 **12-19-1.2.** Absentee ~~For voters meeting the qualifications listed in subdivisions~~
 19 12-19-1(1) and (2), absentee voting shall begin neither earlier nor later than forty-
 20 six ~~begins thirty~~ days prior to the election ~~including any voter identified as being covered~~
 21 ~~by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff 1).~~

22 For voters meeting the qualifications listed in subdivision 12-19-1(3), absentee
 23 voting begins forty-six days prior to the election.

24 **Section 3. That chapter 12-19 be amended with a NEW SECTION:**

1 A county auditor may not establish or place, or allow any individual to establish or
2 place, an absentee ballot drop box within the county auditor's county. A completed
3 absentee ballot may only be returned to the office of the individual in charge of the election
4 through the mail or by being delivered by the voter voting by absentee ballot or by an
5 authorized messenger.

6 For purposes of this section, the term, absentee ballot drop box, means a
7 receptacle or container into which an individual may deposit a completed absentee ballot.
8 This term excludes a county auditor's means for physically securing a completed absentee
9 ballot as required by § 12-19-10 or 12-19-42.

10 A violation of this section is a Class 2 misdemeanor.