



Four Directions / Native Vote 2012 South Dakota Election Observer Training Manual and Voter Rights Guide

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Welcome Four Directions/Native Vote Volunteers,

Thank you very much for volunteering your time to assist Four Directions/Native Vote as we protect the Native American vote in South Dakota. The goal of this effort is to empower the Native American community by increasing its participation in the democratic process, as well to prevent voters from being harassed, intimidated, or disenfranchised in any way. An important component of this program is bringing together residents of South Dakota reservation communities with lawyers and other trained election monitors. Together we can help to forge an infrastructure that will last beyond Election Day and create lasting positive change. This project is of vital importance to the tribes and their members, and you can all be proud that you are playing such a crucial role in helping it to succeed.

This Training Manual and Voter Rights Guide provides valuable information about South Dakota voting procedures and election law, as well as helpful advice for being an educated election observer and effective advocate for voter rights.

If you have any questions, would like more information about Four Directions or Native Vote, or are interested in volunteer opportunities, please contact us and we will be happy to speak with you.

Greg Lembrich

(917) 747-1376

greg.lembrich@pillsburylaw.com

O.J. Semans

(605) 828-1422

tateota@hotmail.com

The Basics of Being an Election Observer and What to Expect at the Polling Place

On Election Day, election observers will likely be faced with issues that range from minor bureaucratic problems (such as a poll not opening on time or voters who come to the wrong polling place) to confusion about registration and voting procedures, and perhaps serious problems such as attempts at voter intimidation. On most matters, it is best if you are able to resolve the issues yourself on site as they arise. Any other process takes time, which is in very short supply during the twelve hours the polls are open on Election Day.

Our goal is to make sure that every voter in the community who is legally entitled to vote and seeks to do so is able to cast a ballot and have it counted. Do not be shy in sticking up for the rights of voters. The law is on their side.

When should I arrive at my polling place?

The polls open at 7:00 a.m., so please arrive by 6:45 a.m.

What should I do when I get to my polling place?

Introduce yourself to the precinct election officials as an election observer from Four Directions/Native Vote and explain that you are there to help voters and ensure that voting rights are protected. If the polling place is not set up or you have reason to believe it will not open on time, call your reservation coordinator or Four Directions/Native Vote HQ immediately. You should also check to make sure the local precinct officials have the materials they need. These include: a voter list, enough ballots for all registered voters in the precinct, pens for voters who wish to complete their ballot manually, blank affidavits for voters without photo ID, voter registration forms (for voters on the inactive list or who wish to register), and extra ballots in case there are spoiled ballots. In Todd County and Shannon County, there should also be a Lakota language interpreter present at each polling place (this could be one of the election officials or a separate individual).

What should I bring to my polling place?

In addition to the training materials that we've provided, bring:

- Fully charged cell phone. But please be aware that cell coverage is not very good in some locations, so please try your cell at the polling place before Election Day to verify that it works; if it does not, please bring a telephone calling card and/or ample change for use of a pay phone.
- Two pens and a notebook (to note any problems);
- A copy of the Precinct Questionnaire and Precinct Incidents Tally Sheet (both included in these materials);

- Multiple copies (at least 10 each) of the Major Incident Report Sheet, voter registration application, and voter affidavits (all included in these materials); and
- Enough food and beverages to last from morning until past dinnertime (unless you have identified a nearby location where you can quickly obtain food and drink during the day).

What should I wear?

Dress neatly but **casually**. Jeans, for example, are fine. Please DO NOT wear a suit, tie or any other business attire. You will stick out and likely be viewed with suspicion. Also, do not wear any partisan campaign buttons, stickers, etc. Campaign materials are prohibited by law within 100 feet of the polling place. Moreover, Four Directions and Native Vote are non-partisan entities, and we do not want to compromise that status. However, if you have a Native Vote t-shirt and/or button (we will try to distribute them to as many volunteers as possible), please DO wear that on Election Day. Such articles are not prohibited and will help identify you to voters as someone who is there to help them.

Who else will be at the polling place?

The first people that you will encounter when you arrive will likely be the precinct election officials, who are responsible for conducting a fair and legal election in that polling place. There are generally 3 officials per precinct (sometimes multiple precincts cast their votes in one polling place, in which case there will likely be more). Each group of election officials must consist of at least one registered Democrat and one Republican. Each polling place in Todd County and Shannon County should also have a Lakota language interpreter to assist voters who require such services. This is required under federal law. The Lakota interpreter may be one of the election officials themselves, or may be a separate individual. You may also encounter partisan pollwatchers representing particular parties and/or candidates. There may also be other non-partisan election observers present, including monitors from the Department of Justice. Finally, throughout the day you will hopefully meet many, many voters.

Can I leave the polling place during the day?

It is absolutely crucial that election observers be present at their polling places throughout the day. Brief breaks to use the restroom, etc., are obviously fine, but please do not leave your polling location for any prolonged period from the time polls open until they close, unless someone is there to take your place. We cannot guarantee that every voter votes and every vote is counted unless you or a replacement is present. Please bring everything you'll need for the day, including food and drink, with you to the polling place. We do not want to miss one voter who might not be allowed their legal right to vote. When you need to take a break, please do so briefly and/or only when there is not a line at the polling location and voter traffic is as low as possible.

Can I use the telephone provided at the polling place?

The answer is, technically, no. The South Dakota Secretary of State has declared that “The telephone at the polling place is for the use of the election board. Poll watchers and observers MAY NOT use the polling place telephone designated for the election board.” This rule was in response to incidents in some previous elections where pollwatchers used the polling place telephone to conduct partisan get out the vote operations, often precluding the election officials from having access to the phone.

This is why we ask all election observers to bring a fully charged cell phone with them to the polling place on Election Day. Please be aware that cell coverage is not very good in some locations. Please try your cell at the polling place before Election Day to verify that it works. If it does not, or if you do not have a cell phone, please try to locate the nearest public telephone and arrange to have a calling card or ample change.

That being said, in practice, it is often not a problem to use the precinct telephone, especially for tasks such as calling the County Auditor to check on a voter’s registration status, assigned polling place, or other routine issues. Particularly if you establish a good relationship with the election officials and they feel that you are being helpful, they often will permit you to use the polling place telephone for such tasks. If you would like to use the precinct telephone (particularly if cell service is bad and/or a pay telephone is not available), please ask the election officials for permission first. If they say no, please respect that decision and do not force the issue. If they do permit you to use the telephone, please make sure that you only do so only during times that the election officials do not need it and for purposes that they have authorized.

What if precinct officials ask you to leave, or do not let you into the polling place?

This is a clear violation of South Dakota law. You are legally entitled to be present inside the polling place and to be in a position to plainly see and hear the activities that are going on in the polling place (but not within the voting booths). If you are not permitted to observe, call your reservation coordinator or Four Directions/Native Vote HQ immediately.

When can a voter lawfully be challenged?

In South Dakota, lawful challenges to a registered voter’s right to vote are extremely limited. The **only** grounds allowed for such a challenge are (1) whether the person is who he or she claims to be, or (2) whether within the preceding 15 days the person has (a) been convicted of a felony or (b) declared mentally incompetent. Any other challenge is unlawful interference with the right to vote, which is a crime.

When is the last time a voter can vote by absentee ballot?

Absentee ballots may be submitted to the County Auditor until the polls close. However, an absentee ballot can only be requested and/or picked up until 3:00 p.m. on Election

Day. This means that a voter can vote at their County Auditor up until 3:00 p.m. on Election Day, regardless of which polling place within the County they are assigned. In an instance where a voter might not be sure what precinct they vote in, we should encourage them to vote at their County Auditor by 3:00 pm on Election Day if possible. Also, if a voter comes to the wrong polling place, we should make him or her aware of this option since the County Auditor may be more convenient than going to their assigned precinct.

What do I do if I cannot resolve a situation myself at the polling place?

Many problems can be solved by working collaboratively with the voter and precinct officials. This is the best way to solve any problem, because any other process takes time, which is always in short supply on Election Day.

However, if you are unable to resolve a problem in this manner, please first take a moment to reassure the voter, encourage him or her to stay at the polling place, advise them of their rights, and tell them you will work with your team to resolve the situation. Urge them to stay until it is resolved. If the voter(s) absolutely insists on leaving, encourage them to return later, take down their name(s) and telephone number(s) (if possible), and attempt to resolve the issue in the interim. Time permitting, you may also want to check in with your reservation coordinator or Four Directions/Native Vote HQ to discuss the issue if you believe that there is cause for concern.

Once you have communicated with the voter, try to contact the local County Auditor (a list of contact numbers is included with these materials). Nearly every issue that cannot be resolved at the polling place can be handled quickly by the County Auditor's office. If you are unable to reach the County Auditor or this does not resolve the issue, please call your reservation coordinator or Four Directions/Native Vote HQ. They will try to intercede with the County Auditor, contact the Secretary of State or Attorney General's Office, or take other appropriate action.

The only exception to the above procedures is in the case of clear misconduct at the polling place. If precinct officials are behaving improperly (mistreating voters, refusing to follow lawful voting procedures after respectful discussion, etc.) or if anyone present at or near the polling place is clearly trying to harass, intimidate, or otherwise violate the rights of voters, please contact your reservation coordinator or Four Directions/Native Vote HQ immediately. They will promptly make every effort to resolve the problem with state, county, or tribal authorities. If you are unable to reach your reservation coordinator or Four Directions/Native Vote HQ, please call the national hotline at 866-OUR-VOTE.

What kinds of voting machines are used in South Dakota?

Every voter in South Dakota will receive an optical scan ballot at federal elections. The voter has the choice to mark the ballot by hand with a pen or to use the AutoMARK ballot assistant. The AutoMARK machine assists voters in marking their ballots

independently and privately. These machines are available in every polling place in South Dakota for any federal election. The AutoMARK keeps no record of votes. It is a paper-based electronic ballot marker— also referred to as an “electronic pen”. The AutoMARK has special features to assist voters who are blind, have poor eyesight, can’t hold a pen, or have other difficulties in voting a paper ballot.

A ballot privacy sleeve is provided to all voters. When a ballot is inserted into the AutoMARK, an electronic version appears on the screen. The pictures of the ballot contests can be enlarged for easier reading, shown in reverse contrast, or turned off for privacy if a voter chooses to access the ballot by attached headphones and keypad. The audio description of the ballot can be used in place of or in conjunction with the visual version on the screen. The voter makes selections through the touch screen or keypad. The AutoMARK warns of undervotes and will not allow overvotes. The voter may make changes before the ballot is marked. The voter is provided a summary of selections. When the voter selects Mark Ballot, the appropriate ovals of the optical scan paper ballot are marked and the ballot is ejected. If a marked ballot is inserted into the AutoMARK, the touch screen will display and the headphones will describe the selections marked on that ballot.

Regardless of whether they have voted by hand or using the AutoMARK machine, the voter takes the official paper ballot to the precinct ballot box for casting. All ballots— whether voted by pen or AutoMARK—go into the same ballot box.

What do I do after voting is complete?

If the polls close on time (7:00 p.m. or after the last voter on line at 7:00 p.m. has voted) and without problems, contact your reservation coordinator or Four Directions/Native Vote HQ and let them know that the polls have closed properly and without incident. Information about the total number of ballots cast at the polling place should also be obtained if possible and passed on to the reservation coordinator or Four Directions/Native Vote HQ. Please wait until the election officials have left the polling place with the ballots before leaving the polling place yourself. Once all these steps are complete, your job is complete and you are done for the day. Well done!

Eight Keys to Success on Election Day

1. Votes must count.

Our absolute number 1 priority is to make sure that every eligible voter is able to cast a ballot and have it count. There is no goal more important!

2. You have the right to be present at the polls, but you don't have a right to show your support of any party or candidate.

You have the right as an election observer to be present at the polling place and monitor the voting process. South Dakota law is crystal clear on this point. You cannot be asked to leave the polling place. However, no electioneering is allowed within 100 feet of the polling location, so make sure to leave any partisan buttons, stickers, or t-shirts at home. In addition, Four Directions and NCAI Native Vote are non-partisan groups, and we do not want to compromise that status. You may (and should), however, wear a Native Vote t-shirt or button if available to indicate to voters that you are there to assist them.

3. Expect confusion about the rights of (and difference between) election observers and pollwatchers.

As a volunteer for Four Directions/Native Vote, you are an election observer, not a pollwatcher. South Dakota law differentiates between pollwatchers and election observers. Pollwatchers are representatives of specific political parties or candidates, while election observers are not affiliated with any particular party or candidate. Because Four Directions and Native Vote are non-partisan groups dedicated to protecting voting rights, you are an election observer. As such, you have the right to be present at the polling place and monitor the voting process. South Dakota law is crystal clear on this point.

However, the legal rights for pollwatchers and election observers are the same within the polling place. South Dakota law allows both pollwatchers and election observers to be in a position to plainly see and hear the activities that are going on in the polling place (but not within the voting booths). Election officials should read off the name of each voter clearly and loudly enough for all pollwatchers and election observers to hear. Pollwatchers and election observers are also permitted to converse with the election officials and look at the pollbook so long as it does not interfere with the voting process.

There are certain things that pollwatchers and election observers MAY NOT do:

In the polling place or within 100 feet of the entry, poll watchers and observers may not:

- Be in a position to see into a voting booth;
- Interfere with voters in the act of voting;
- Campaign or wear buttons or clothing containing campaign information;
- Solicit votes for or against any person, political party or ballot question position;

- Maintain an “office or communication center”;
- Interfere with a voter’s free access to the polling place;
- Interfere with the official actions of the election board;
- Disrupt the administration of the polling place;
- Touch any election supplies;
- Attempt to control the legal actions of voters or the election board;
- Use a cell phone which distracts election workers or voters;
- Look into an occupied voting booth;
- Disobey a lawful command of an election worker;
- Cause a disturbance or breach of peace;
- Engage in disorderly conduct such as threatening behavior or making unreasonable noise; or
- Run a system where cards or other items are exchanged with voters or other persons.

4. Be prepared for confusion about the times polling places must be open.

Opening time: By law, the polling place must open at 7:00 a.m. Please arrive at the polling place by 6:45 a.m. to make sure the polling place is ready and on track to open on time.

Voting hours: By law, polls must be open for 12 hours on Election Day. If a polling place opens late, or if machine problems or other events result in a polling place being closed anytime between 7:00 a.m. and 7:00 p.m., the polling place should remain open past 7:00 p.m. until it has been open for the full 12 hours.

Closing time: By law, the polling place must remain open until at least 7:00 p.m. In no event is a polling place to close before 7:00 p.m. However, any voter who is at the polling place by 7:00 p.m. (whether inside or outside) must be allowed to vote. If there are any such voters, the polls must remain open long enough for them to cast their ballots, even if there is a long line and the closing will be delayed significantly.

Time zone issues: Voting hours are 7:00 a.m. to 7:00 p.m. in both the Central Time Zone and Mountain Time Zone.

The following reservations (and their environs) are in the **Central Time Zone**: **Sisseton-Wahpeton** (Roberts, Day, Marshall, Codington, and Grant Counties), **Flandreau** (Moody County), **Yankton** (Charles Mix County), **Crow Creek** (Buffalo County), **Lower Brule** (Lyman and Stanley [eastern portion] Counties), and **Rosebud** (Todd, Mellette, Tripp, Gregory, and Lyman Counties).

The following reservations and their environs are in the **Mountain Time Zone**: **Cheyenne River** (Dewey, Ziebach, Stanley [western portion], Haakon, and Meade Counties), **Standing Rock** (Dewey, Ziebach, and Corson Counties), and **Pine Ridge** (Shannon, Bennett, Fall River, and Jackson Counties).

5. Make friends with the election officials.

Their job is to help people vote, which is our goal as well. They don't get paid much and they don't get a lot of thanks. If we build a good relationship with the election officials early in the day (when things are generally quieter), we will have a greater opportunity to work cooperatively with them to sort out any situations that might arise later in the day as polling places get busier. Do not try to intimidate the election officials, but demonstrate that you are familiar with the law and committed to helping them ensure a fair process. A little early courtesy and credibility can help make the rest of the day much smoother.

6. Be firm in defending the right to vote.

You have the right to inform voters what their rights are, to encourage them to vote and to intervene on their behalf with poll workers if necessary. If you do not speak up when you are concerned a violation of election law might be occurring, do not expect that anyone else will. Every legal vote that is not cast or not counted is an affront to the basic rights of all Americans and undermines the legitimacy of this election. You are the first, and often last, line of defense to those rights.

If something seems wrong, say something to the election officials. Try to resolve the matter with them by politely and diplomatically, but firmly, explaining your understanding of the law, why you are concerned with the actions being taken, and what you believe the law requires. If unable to resolve the issue at the polling place, please contact the local County Auditor directly to address the issue. If you need help or if there is misconduct of any kind in the polling place, contact your reservation coordinator or Four Directions/Native Vote HQ right away.

The rest of the Four Directions team is here to help, but if you do not first take action at your polling place, no one will. There is very little, if anything, that can be done after Election Day to correct errors or other actions that deprive citizens of their right to vote. Nearly every problem that arises on Election Day will be dealt with either immediately in the polling place or not at all. Your reservation coordinator and/or Four Directions/Native Vote HQ will provide all the help that they can, but you will need to act quickly and proactively to address issues that arise in your polling place in the moment.

7. Trust your instincts that attempts to intimidate voters are wrong.

If you think something is improper, it probably is. Intimidation, harassment, and voter suppression efforts take all forms. You will have no problem recognizing the obvious ones. There also may be more subtle forms of voter intimidation that you will witness. Use your common sense, but if something feels like it might be wrong, you must defend the right to vote. Lawful challenges to a registered voter's right to vote are extremely limited. The only grounds allowed for such a challenge are whether the person is who he or she claims to be, or whether within the preceding 15 days the person has been convicted of a felony or declared mentally incompetent. In most cases, if someone is

interfering with a voter's free access to the polls, it is considered unlawful interference, which is a crime.

8. Document Your Actions and Report Any Major Incidents/Issues.

When you take action on behalf of a voter or object to any action taken by an election worker, you should use the appropriate enclosed Native Vote form(s) to document your actions. But remember, as important as it is to record what happens, it's more important that you continue defending the right to vote. Wait for a quiet moment to record details of problems and make sure you keep being vigilant in defending voters' rights. If there is a significant and/or recurring issue at your polling place, please alert your reservation coordinator and/or Four Directions/Native Vote HQ as soon as possible.

Categories of Voters Who Are Commonly Treated Unfairly or Illegally

1. Voters who do not have photo ID with them

A voter must present a photo ID **or** sign an affidavit before being allowed to vote. Accepted forms of photo identification include any one of the following: a SD driver license or nondriver ID card; a US government photo ID; a tribal photo ID; or a photo ID from a SD high school or SD accredited institution of higher education.

Though we encourage voters to bring photo ID to the polls, it is not required. If voters do not have their photo ID, they can simply fill out an affidavit stating that they are who they say they are. No one can be denied the right to vote for not bringing a photo ID with them!

The affidavit says: “I declare, under penalty of perjury, that my name is listed as [NAME] on the official voter registration list, that I am that person, and that I currently reside at [ADDRESS]. The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine. Dated [November 6, 2012]. Voter signature [SIGNATURE]”

These training materials contain copies of blank affidavits that can be used by voters in case local election workers do not have copies. The affidavit does **not** need be notarized.

South Dakota has required a photo ID or affidavit to vote since 2004, so many voters will be familiar with the requirement. But some, especially new voters, may be unaware of the requirement and/or confused, particularly by the affidavit process. Please do your best to reassure any nervous voter that they are entitled to vote even if they do not have photo ID, and that the penalties mentioned on the affidavit only apply if the person is claiming to be someone they are not.

In addition, election workers at each polling location must post a sign at the entrance that is used by voters which states the photo ID/affidavit requirement.

2. Voters who have moved but have not re-registered to vote at their new address

If a voter moves and has not re-registered at their new address, they can vote in the precinct where they are registered at their previous residence. They cannot vote at their new residence, but should be encouraged to (a) vote at the polling place where they are registered (if possible) or (b) if more convenient, to vote at the County Auditor’s office for the county in which they are registered to vote before 3:00 p.m. Regardless of whether they can vote by either method, they should be encouraged to complete a new voter registration form at the polling place to register at their new address. This will, at least, make sure that the voter is registered in the proper location for future elections.

3. Voters who have changed their names or use different names

If a voter is registered under one name (a maiden name, for example) and provides another name on Election Day (a married name, for example), they must still be allowed to vote. This rule also applies to voters whose traditional tribal name does not match the name in the pollbook. If a voter believes they are in the proper polling place, but their name does not appear on the voter list, they should be asked whether they may be registered under a different name. In cases where the name a voter provides and/or the name on their photo ID is different from the name in the pollbook, the voter should be allowed to submit an affidavit stating that they are the same person listed on the official voter registration list. The voter must then be allowed to vote by regular ballot. All such voters should be encouraged to submit a new voter registration with their correct name to avoid problems in the future.

4. Voters who have been absent from the area/state

A voter is entitled to vote in the place where they are registered. So long as they have not voted elsewhere or switched their registration to a different location, they must be allowed to vote at the polling place where they are registered. Challenges to a voter based on their recent absence from the area or state are not legitimate. This is particularly important in many reservation communities, where it is not uncommon for some people to spend substantial time off-reservation for work or other purposes, but return to the reservation to vote. These voters must be allowed to cast regular ballots.

5. Voters who are on the inactive list

A person on the “inactive” voter registration list (which is people who have not voted for four years but who are still on the voter list) must complete a new voter registration card (election officials should have these forms), and **must then be allowed to vote by regular ballot**.

6. Voters whose names are not on the registration list

This is not uncommon. If the voter is able to produce an acknowledgement notice (such as an election notification received by mail) stating that they are registered in that polling place, they must be allowed to vote. In most cases, however, the voter will not have such documentation, so you and/or the election officials will need to contact the County Auditor to determine where the voter is registered. If it is determined that the voter is registered to vote in that precinct and was mistakenly excluded from the list, the voter must be allowed to vote. If the voter is registered in a different polling place, please direct the voter to the correct location. All voters may also vote at the County Auditor of the county in which they are registered, regardless of their assigned precinct, up until 3 p.m. on Election Day. Thus, before 3 p.m., please inform the voter that they may vote at the County Auditor if that location is more convenient than their assigned polling place. After 3 p.m., voters may only vote at their assigned precinct.

7. Native Americans (particularly in mixed and/or off-reservation communities)

Any attempt to discourage minorities from voting is a federal crime. Such attempts may include threats, intimidation, attempts to mislead voters, warnings about the penalty for voting when ineligible, unfounded challenges to the identity of a voter, and any interference with voters by pollwatchers or others. Any practice directed primarily at Native American voters is unlawful and you should ask the precinct officials to put a stop to such behavior immediately. Any issue of this kind should also be reported as promptly as possible to your reservation coordinator or Four Directions/Native Vote HQ. If neither of those contacts can be reached, please call the national hotline at 866-OUR-VOTE.

8. Voters whose names appear on the absentee ballot list

If the voter received and/or requested an absentee ballot, but did not cast it, the voter is entitled to vote at their polling place on Election Day. A person may not be refused the right to vote because of having requested an absentee ballot. Election officials may call the County Auditor to confirm that no absentee ballot was cast by the voter, but may not reject the voter unless informed by the County Auditor that the voter has already voted by absentee ballot.

Voters who have already cast absentee ballots are not allowed to vote again. If a voter is genuinely not sure whether or not he or she voted by absentee ballot, you or the election officials should contact the County Auditor to check. A voter who has already voted in this election by absentee ballot may not vote again at the polling place on Election Day.

Take note of any significant number of voters who are on the absentee list but who claim they did not request absentee ballots. In the past, there have been some instances of voters who did not request absentee ballots, but were mistakenly included on the absentee ballot list. If the voter has not voted by absentee ballot, as noted above, they must be allowed to vote. These problems should hopefully be easily sorted out with the precinct election officials and/or the County Auditor. If you notice a trend of many voters who are on the absentee list, but who claim they did not request absentee ballots, please call your reservation coordinator and/or Four Directions HQ promptly so that we can investigate the cause of this larger problem.

9. Voters who spoil their ballots

A voter who spoils a ballot is entitled to receive another one (up to three total ballots, issued one at a time). If a voter believes they have made a mistake on their ballot, they should be encouraged to request a substitute ballot. All spoiled ballots should be kept private by the election officials, should obviously not be placed in the precinct ballot box, and should be segregated from the unmarked ballots to be used by future voters.

10. Voters who need assistance in the voting booth

A voter who, because of physical disability, poor eyesight, illiteracy, or any other reason, is unable to read or mark a ballot may receive the assistance of any person the voter selects (the sole exception being that candidates on the ballot may not provide such assistance). The law entitles voters to the assistance they need, so please help ensure they receive it.

11. Lakota language speakers

Many voters on reservations may speak Lakota as their first language and will be more comfortable voting in that language. Under federal law, Todd County and Shannon County are required to provide ballots, voting instructions, and election materials in Lakota, as well as have a Lakota interpreter present in each precinct (generally one of the election officials, but sometimes a separate individual). Polling places in other counties may provide such services and/or interpreters, but are no longer legally required to do so. If any Lakota speaking voter requires any of these accommodations in Todd County or Shannon County and they are not available, please report this to your reservation coordinator or Four Directions HQ immediately. This is a violation of federal law. If any voter requests such accommodations in another county, please make note of whether or not such services are available. This information will be useful in providing feedback to state and federal election officials.

12. Voters who are given provisional ballots

A provisional ballot option is required by federal law for persons whose right to vote (in a given precinct or otherwise) cannot be established at the time of voting. While this may allow some voters who would otherwise be denied to vote, **it is largely a trap**. While a voter can cast one, **it will only be in rare circumstances that a provisional ballot will actually be counted by the state**. We want all voters to vote by regular ballot, not by provisional ballot, and we should do whatever we can to prevent people from voting by provisional ballot, including helping to locate where a voter is actually registered, if it is in another precinct, or directing them to vote at their County Auditor's before 3:00 p.m. on Election Day. Please attempt to intercede on behalf of voters and speak with the election officials if they attempt to have voters vote by provisional ballot. If election officials insist on providing a provisional ballot to any voter that you believe should be allowed to vote by regular ballot, please contact the County Auditor immediately to report the problem. Please also report this to your reservation coordinator and/or Four Directions/Native Vote HQ right away.

If, despite your efforts, a voter who you believe is entitled to vote by regular ballot must vote by provisional ballot, please obtain the voter's name and contact information and write down a description of what happened on a Major Incident Report Sheet. We will need to track any such provisional ballots to try to ensure that they are counted later.

13. Former felons

Any person convicted of a felony and sentenced to a term of imprisonment has their right to vote in South Dakota suspended. A felon's voting rights are restored, however, upon completion of their sentence (including parole). After completion, the individual should receive a certificate from the Secretary of Corrections indicating that their citizenship rights have been restored. **The individual must then complete a new voter registration in order to be eligible to vote.** When registering under such circumstances, the voter may be asked by the County Auditor to produce the certificate demonstrating that they have completed their sentence. Once the individual has completed his or her sentence and re-registered to vote, they are entitled to vote and cannot be denied a ballot due to their prior felony conviction. Moreover, if the former felon was never removed from the voter rolls and remains on the registration list, he or she may vote regardless of whether he or she has re-registered following completion of their sentence.

Persons serving a sentence of probation (even if as the result of a felony conviction) do not have their voting rights suspended and are entitled to vote without the requirement to re-register at any time.

Four Steps to Handling Any Polling Place Situation

Step 1: Try to work with election officials to resolve the situation on the spot. In many cases, the problem is a simple one to fix (such as a voter without photo ID who does not understand the affidavit process, a voter who requested an absentee ballot but did not submit it, or a voter who provides a name other than the one listed on the register of voters [for example a married name, maiden name, or traditional tribal name]). Please work together with election officials to solve these problems quickly and amicably.

If you cannot resolve the problem, if there is confusion regarding the process, and/or if there are questions regarding the status of a specific voter, please proceed to Step 2.

If you encounter misconduct in the polling place (by precinct officials, pollwatchers, or others) that is not promptly corrected, please proceed to Step 3 immediately.

Step 2: Please contact the local County Auditor directly to address any questions about a particular voter's registration or status, to resolve confusion regarding election procedures, or address any other minor issues that arise at the polling place.

Step 3: Call your reservation coordinator and/or Four Directions/Native Vote HQ if you are unable to reach the County Auditor or the discussion with the County Auditor fails to resolve the situation to your satisfaction. Also, if there is a significant and/or recurring issue at your polling place, please alert your reservation coordinator and/or Four Directions/Native Vote HQ as soon as possible. Finally, call your reservation coordinator and/or Four Directions/Native Vote HQ immediately if you experience or observe any misconduct in or near the polling place that is not addressed quickly and satisfactorily by the precinct officials.

Step 4: Fill out the Precinct Incidents Tally Sheet and/or Major Incident Report Sheet when you can, but don't let this distract you from your primary task of solving the problem and ensuring the voter's right to vote.

South Dakota Voters' Bill of Rights

1. On Election Day, each polling place will be open from 7:00 a.m. to 7:00 p.m. If you are in line at the polling place when the polls close, YOU HAVE THE RIGHT TO VOTE in the election. [SDCL § 12-2-3]
2. If you do not have a valid personal identification card to prove your identity YOU HAVE THE RIGHT TO VOTE by signing an affidavit instead. [§ 12-18-6-2]
3. If your name is on the inactive registration list, YOU HAVE THE RIGHT TO VOTE after completing a new voter registration form. [§ 12-18-7.4]
4. If you have been convicted of a felony, YOU HAVE THE RIGHT TO VOTE after fully completing your sentence of imprisonment (either served or suspended) and reregistering to vote. [§ 23A-27-35]
5. YOU HAVE THE RIGHT to receive assistance from anyone you choose if, by reason of physical disability or illiteracy, you are unable to read or mark a ballot. [§ 12-18-25]
6. YOU HAVE THE RIGHT to request instruction on the proper procedure for using a voting machine. [§ 12-17B-7]
7. If you make a mistake or “spoil” your ballot, YOU HAVE THE RIGHT to receive up to three replacement ballots, one at a time, after returning each spoiled ballot to the election official. [§ 12-18-24]
8. YOU HAVE THE RIGHT to take off work in order to vote on Election Day without penalty if your work schedule does not leave free two consecutive hours when polls are open; however, your employer may set the hours you may take off from work to vote. [§ 12-3-5]
9. YOU HAVE THE RIGHT TO VOTE without being threatened, harassed, or intimidated by anyone or in any manner. When you are within 100 feet of a polling place, YOU HAVE THE RIGHT to vote or wait without anyone trying to influence your vote. [§ 12-18-3]
10. In Shannon and Todd Counties only, YOU HAVE THE RIGHT to receive ballots, instructions (including audio AutoMARK instructions), other voting materials, and translation services, in Lakota. [42 U.S.C. 1973 et seq.; 67 Fed. Reg. 48,871]

YOU HAVE THE RIGHT TO TAKE THIS BILL OF RIGHTS TO THE POLLING PLACE AND INTO THE VOTING BOOTH WITH YOU.

SELECTED SOUTH DAKOTA ELECTION/VOTING LAWS

1. Registration and Voting Requirements

A. Voting Eligibility

To vote in South Dakota you must be:

1. A US citizen;
2. At least 18 years old on or before the next election;
3. A resident of the state and of the county in which you intend to vote (including persons residing in federal areas within the boundaries of the state); and
4. Registered pursuant to the South Dakota Election Code. [§ 12-3-1]

Note: You can register to vote even if you do not currently meet one or more of the requirements for voting eligibility (such as age or citizenship), but will by the date of the election.

B. Basis of Ineligibility

You are not entitled to vote in South Dakota if:

1. You have been adjudicated mentally incompetent and you have not had your right to vote restored pursuant to law; or
2. You are currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system; or
3. You are not registered to vote; or
4. You are not a citizen of the United States. [§ 12-4-18]

C. Qualifications Needed in Order to Vote

Pursuant to the South Dakota Constitution, every United States citizen 18 years or older who has met all residency requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. [S.D. Const, Art. VII, § 2]

Each elector who is qualified to vote within a precinct shall be entitled to vote in that precinct until he establishes another voting residence. An elector shall never lose his residency for voting solely by reason of his absence from the state. [S.D. Const, Art. VII, § 2]

No person residing on an area within the boundaries of South Dakota which has been ceded to, or acquired by, the federal government (e.g., an Indian Reservation) shall be denied the right to vote in elections of this state or of the county, municipality, school

district or special district wherein such area lies if such person is otherwise qualified to vote in such election or elections. [§ 12-3-1.1]

D. Identification Requirements

A person registering to vote in South Dakota must include his or her driver's license number and state of issuance on the voter registration form. If a person does not have a driver's license, the person can provide the last four digits of his or her social security number on the voter registration form. A person who does not have a driver's license or social security number may only register at the county auditor's office and must sign a statement of fact. [§ 12-4-5.4]

To register, a voter must complete the entire registration card by printing the requested information. If the voter is currently registered to vote, the voter must also fill out a cancellation card. Once completed, the voter must return the registration/cancellation card to the county auditor in the voter's county of residence. [§§ 12-4-2 and 12-4-35; S.D. Admin. R. § 5:02:03:12]

2. Polling Places

A. Accessibility to the Elderly and the Physically Disabled

Voters with disabilities may request assistance from the election officials or from anyone else they choose. [§ 12-18-25]

B. Number of Voting Machines

The county auditor will provide a sufficient number of voting machines and supplies to accommodate the voters and avoid unreasonable waiting times for casting ballots. [§ 12-17B-6]

3. Polling Place Procedures

A. Polling Place Location

The board of county commissioners designates polling places for election precincts throughout the county [§ 12-14-1]. Polling places must be selected with reference to the convenience of the voters in the election precinct [§ 12-14-9].

A local election official must give notice of each election stating the date and time of the election and designating polling places in all official newspapers at least once each week for two consecutive weeks. The last publication cannot be less than four nor more than ten days before the election [§ 12-12-1].

B. Balloting Instructions/Procedures

Before entering the voting booth, any voter may request instructions for properly marking the ballot to ensure that the vote is accurately recorded. No instructions may be given after the voter has entered the voting booth. All instructions must be given in a manner observable by others and the instructions cannot request, suggest or seek to persuade any voter to cast a vote for a particular candidate or party. [§ 12-17B-7] At least one instruction card must be placed in each voting booth. [§ 12-16-25]

When a voter is requesting a ballot, a voter must present a valid form of personal identification consisting of:

- (i) A South Dakota driver's license or nondriver identification card;
- (ii) A passport or identification card, including a picture, issued by an agency of the United States government;
- (iii) A tribal identification card, including picture; or
- (iv) An current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within South Dakota. [§ 12-18-6.1]

If the voter does not have valid personal identification, the voter may complete a signed affidavit under penalty or perjury [§ 12-18-6.2] If a voter's identification cannot be proven, is challenged, and such challenge is upheld by precinct election officials, the voter may still vote a provisional ballot. [§ 12-18-6.3]

Any person whose name appears on the precinct registration list may vote. However, if a person's name does not appear on the registration list, but the person presents an acknowledgment notice, the person must be permitted to vote if it is found that the person's name was erroneously omitted from the registration list. [§ 12-18-7.1]

The person voting must cast his or her vote immediately. No voter may occupy a voting booth already occupied by another voter, nor occupy a voting booth for more than ten minutes. After exiting, no voter may reenter the voting booth. [§ 12-18-15]

Any voter who by reason of physical disability or illiteracy is unable to read or mark a ballot may receive the assistance of any person whom such voter may select. [§ 12-18-25]

No voter may show a completed ballot to any person in such a way as to reveal the contents of the ballot nor may any person ask the voter to reveal the contents of his or her ballot. [§ 12-18-27]

4. Poll Watchers/Election Observers

South Dakota law allows poll watchers and observers to be present to observe the voting and counting activity at polling places and provides guidelines for poll watchers and observers. A candidate who is on the ballot being voted on at a polling place may only be present to cast the candidate's vote during voting hours. (§ 12-18-9)

At least one poll watcher for each political party, one poll watcher for each independent candidate, one poll watcher for each slate of presidential electors, and one poll watcher for each side of any ballot issue to be voted on may be present at each polling place for general elections. [S.D. Admin R 5:02:12:02] Additional poll watchers may be permitted if there is adequate space at the polling place. [S.D. Admin. R 5:02:12:03]

Each polling place shall be arranged in a manner that permits each poll watcher and election observer to be positioned in a location where the poll watcher/election observer can plainly see and hear what is done within the polling place. [§ 12-18-9.1]

5. Poll Hours

Polls will be open 7:00 a.m. until 7:00 p.m. local time on Election Day. By law, polls must be open for 12 hours on Election Day. In no event is a polling place to close before 7:00 p.m. Any voter at the polling place (whether inside or outside) prior to 7:00 p.m. will be allowed to cast a ballot. [§ 12-2-3]

If a polling place opens late, or if machine problems or other events result in a polling place being closed anytime between 7:00 a.m. and 7:00 p.m., the polling place should remain open past 7:00 p.m. until it has been open for the full 12 hours. [§ 12-2-4]

6. Voter Registration List Maintenance and Inactive Voter Status

Each month, the names of persons who have either been declared mentally incompetent by a court of law, convicted of a felony and sentenced to the adult penitentiary system or identified as deceased are to be removed from the voter registration records. [§ 12-4-18]

Any voter in the active voter registration file who has failed to vote, has not updated the voter's registration information, and has not replied to a confirmation mailing at least once during the last preceding four consecutive years shall be sent a nonforwardable return-if-undeliverable address verification request. If the request is undeliverable then a confirmation mailing will be sent. This process is to be performed by each county auditor between January 1st and November 15th of each odd-numbered year. [§ 12-4-19]

The confirmation mailing notice must be a double postcard stating that the voter's registration may be canceled if the card is not returned. In addition, the card must state that if the information on the return card is correct, the voter must sign and return the card within 30 days or the voter's registration will become inactive. The card must also state that if the information on the return card is not correct, the voter must send the correct

information to update the voter's registration in South Dakota or the voter's registration will become inactive. If the card is returned indicating a new address in another county in South Dakota, or another state the card will serve as a cancellation authorization and a reregistration in the new county. The card must also give information on reregistering if the voter has moved to another state. The card will give the information about the voter as it appears in the registration records. [§ 12-4-19.1]

If the confirmation postcard is not returned to the county auditor within the stated time limit or is undeliverable, the county auditor must move the voter to an inactive registration file. [§ 12-4-19.2]

If a voter placed in the inactive registration file does not vote by the second general election following the confirmation mailing, the registration must be canceled. This determination must be made between January 1st and November 15th of every odd-numbered year. [§ 12-4-19.4]

Any person whose name appears on the inactive registration list in the possession of the precinct superintendent may vote in any election following completion of an affirmation of the person's address in South Dakota. If the voter has moved to a new address within South Dakota, this affirmation shall serve as a new registration. [§ 12-18-7.4]

The Secretary of State may use the statewide voter registration file to identify any duplicate voter registration within the state. If the Secretary of State has determined that there is a duplicate voter registration, the Secretary of State will note the county whose official master registration file contains the oldest duplicate registration and such county will remove the person from the registration file. If the Secretary of State has identified a potential duplicate voter registration, the Secretary of State will notify the person registered in the county whose official master registration file contains the oldest potential duplicate registration. [§ 12-4-40]

The county auditor must maintain and safeguard a master registration file of voters in computer format that contains each person registered in each voting precinct within the county. This file is open to public inspection at all times during office hours. However, public access to social security numbers and driver license numbers contained in the master registration file are restricted. The file contains all information from each voter's registration card except the description of the location of the voter's residence. The file also includes the date of the last election the voter has voted in and when the voter's information was last updated. [§ 12-4-9]

If any person is denied the ability to vote and the person maintains that he or she is currently registered to vote in that precinct, the person may cast a provisional ballot. A member of the precinct election board must notify any person who is denied the ability to vote that the person may cast a provisional ballot. [§ 12-18-39]

7. Ballots

Sample ballots must be posted in each polling place in a manner that can be plainly seen and read by the public. [§ 12-16-15]

Facsimiles of the official ballots of each election must be published in each official newspaper of the county. The facsimile must be published once in each legal newspaper in the calendar week prior to each election. In no case may the ballot wording of the published facsimile be reduced to a type less than eight point. [§ 12-16-16]

No less than one large type voter instruction card must be posted in each voting booth or compartment. [§ 12-16-23] Not less than two of these instruction cards must be posted elsewhere in and about the polling place upon the day of election. [§ 12-16-25]

If a voter makes a mistake in completing his or her ballot, the voter should return the ballot and request a new one. If the voter casts more votes than allowed in a race, he or she should return the ballot and request a new one. [S.D. Admin. R § 5:02:05:02]

8. Interference with Voters; Unlawful Practices

Any person who, having procured an official ballot for another, intentionally fails to deliver the ballot to the voter or who intentionally fails to deliver the return envelope containing the ballot to the proper officer, or who tampers with the envelope or ballot is guilty of a Class 6 felony, punishable by up to two years in the state penitentiary. [§ 12-19-33]

No person may deface, destroy, or tamper with the ballot box, envelope, pollbook, duplicate tally sheet, or registration lists or remove any seals. A violation of this section is a Class 6 felony, punishable by up to five years in the state penitentiary. [§ 12-20-21]

A person who impersonates a registered voter and offers to vote at election, is guilty of a Class 5 felony, punishable by up to five years in the state penitentiary. [§ 12-26-7]

A person who intentionally breaks, destroys, steals, or conceals any ballot box or any poll list used or intended to be used at any election, or who, before the ballots have been counted or canvassed, or during the time within which a contest or recount may be instituted, shall intentionally deface, change, injure, destroy, steal or conceal any ballot which has been voted and deposited in any ballot box at an election, is guilty of a Class 6 felony, punishable by up to two years in the state penitentiary. [§ 12-26-23]

No information obtained from the voter registration files may be used or sold for any commercial purpose, not including campaign or political polling activities. Any such violation is a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-4-41]

No person may, inside or within 100 feet of any polling place, use communications centers, public address systems, campaign posters, signs, or other campaign materials, or any other similar means to solicit any votes for or against any person or political party or position on a question submitted. No person may engage in any practice that interferes with the voter's free access to the polls or disrupts the administration of the polling place. No person may conduct, on the day of an election, any exit poll or public opinion poll within 100 feet of a polling place. Any violation of these provisions is a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-18-3]

Any person who knows that he or she is not a qualified voter and still votes or offers to vote at any election is guilty of a Class 2 misdemeanor, punishable by up to 30 days in jail. [§ 12-26-41]

A person who votes more than once at any election or who offers to vote after having once voted, either in the same or in another election precinct in South Dakota or elsewhere, is guilty of a Class 6 felony. [§ 12-26-8]

A person who by threats, intimidation, or unlawful force or violence, intentionally hinders or prevents voters from assembling in a public meeting for considering of public questions, or who hinders or prevents any individual voter from attending any such meeting, is guilty of a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-26-10]

A person who intentionally disturbs or breaks up any public meeting of voters lawfully being held for the purpose of considering public questions is guilty of a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-26-11]

A person who directly or indirectly, intentionally, uses force or violence, or other coercive means for the purpose of preventing, coercing, or intimidating a voter to vote or refrain from voting for or against any person or question, or as retaliation for a voter having voted or refrained from voting on any such matter, or who intentionally and without lawful authority obstructs, hinders, or delays a voter on his way to any poll where an election is to be held, is guilty of a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-26-12]

It is a Class 2 misdemeanor, punishable by up to 30 days in the county jail, for any person, directly or indirectly, by himself or through any other person:

- (i) To pay, lend, contribute, or offer to pay, lend, or contribute, any money or other valuable consideration, to or for any voter in order to induce such voter to vote or refrain from voting for any particular person;
- (ii) To give, offer, or promise any office, place or employment (or promise to promise to do so) to or for any voter in order to induce such voter to vote or refrain from voting for any particular person;

- (iii) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to induce such person to procure or endeavor to procure the election of any person, or the vote of any voter at any election;
- (iv) To procure or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at such election; or
- (v) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other valuable thing with the intent that the payment will be used in bribery at any election. [§ 12-26-15]

9. Inability to Leave Employment on Date of Election

In South Dakota, any person entitled to vote at any election, including a primary election, is entitled to be absent from such person's service or employment for a period of two consecutive hours between the time of opening and time of closing of the polls on the date of the election. However, this entitlement is not granted if such person has a period of two consecutive hours during the time the polls are open during which he is not required to be present at such person's work or place of employment.

A person who properly leaves such person's employment on the date of the election cannot be made liable to any penalty or deduction from such person's usual salary or wages because of such person's absence from work

The employer may specify the hours during which such employee may leave his or her employment for purposes of casting his or her vote.

An employer who refuses an employee this privilege or who subjects an employee to penalty or reduction of wages because of the exercise of such privilege is guilty of a Class 2 misdemeanor, punishable by up to 30 days in the county jail. [§ 12-3-5]

10. Challenges

If a person requests to vote, or if an absentee ballot has been cast, the person's right to vote at that poll and election may be challenged only as to the person's identity as the person registered whom the person claims to be; or on grounds that within 15 days preceding the election the person has been (1) convicted of a felony or (2) declared by proper authority to be mentally incompetent.

The proceedings to determine any challenge shall be conducted before the precinct superintendent and precinct deputies who shall determine from the evidence presented whether or not the person is permitted to vote. The members of the precinct election board shall indicate beside the name on the registration list the ground stated and the result of the precinct election board's decision. [§ 12-18-10]

11. Absentee Voting

Any registered voter who is not otherwise disqualified from voting in the election may vote by absentee ballot, including overseas citizens. [§ 12-19-1]

An absentee voter desiring to vote by mail may apply to the county auditor for an absentee ballot. The application must be made in writing and be signed by the applicant and state the applicant's voter registration address. The application must either contain an oath verifying the validity of the information contained in the application or a copy of a personal identification card. [§ 12-19-2]

At any time prior to an election, a voter can apply in person to the county auditor for an absentee ballot during regular office hours up to 3:00 p.m. of the date of the election. [§ 12-19-2.1]

The absentee ballot will be sent to the voter's residence, as listed in the voter registration file or any temporary residence designated in writing by the voter. [§ 12-19-2]

In the event if sickness or confinement, a qualified voter may apply in writing for and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. An application for a ballot by authorized messenger must be received by the county auditor (in the case of all federal, state or county elections) before 3:00 p.m. the day of the election. [§ 12-19-2.1]

If a person is an authorized messenger for more than one voter, he or she must notify the county auditor (in the case of all federal, state or county elections) of all voters for whom he or she is a messenger [§ 12-19-2.2]

An absentee voter should receive a copy of the official ballot, a set of instructions on absentee balloting, and an unsealed return envelope. [§ 12-9-3]

An authorized messenger can deliver the absentee ballot to the person in charge of the election if mailing time is insufficient. [§ 12-19-9]

If an absentee ballot is delivered to a polling place after the polls are closed, the absentee ballot will not be opened or counted. [§ 12-19-12]

If a voter who has marked and forwarded an absentee ballot dies prior to the opening of the polls on the election date, the deceased voter's ballot will be returned and will not be opened or counted. [§ 12-19-9.21]

12. Former Felon Voting

A sentence of imprisonment in the state penitentiary for any term suspends the right of the person so sentenced to vote, to hold public office, to become a candidate for public office and to serve on a jury, and forfeits all public offices and all private trusts, authority, or power during the term of such imprisonment. Any person who is serving a term in any penitentiary shall be a competent witness in any action now pending or hereafter commenced in the courts of this state, and his deposition may be taken in the same manner prescribed by statute or rule relating to taking of depositions. After a suspension of sentence pursuant to § 23A-27-18, upon the termination of the time of the original sentence or the time extended by order of the court, a defendant's rights withheld by this section are restored. [§ 23A-27-35]

Whenever any inmate has been discharged, he shall at the time of his discharge be considered as restored to the full rights of citizenship. At the time of the discharge of any inmate under the provisions of this chapter, he shall receive from the secretary of corrections a certificate stating that he has been restored to the full rights of a citizen. If an inmate is on parole at the time he becomes eligible for discharge, the secretary of corrections shall issue a certificate, which shall be due notice that such inmate has been restored to the full rights of a citizen. The secretary of corrections shall mail a copy of the certificate to the clerk of court for the county from which the inmate was sentenced. [§24-5-2]



How does it work?

- 1** Insert your paper ballot into the AutoMARK.
- 2** Your ballot will appear on the touch screen.
- 3** If you would like the ballot read to you, plug in and put on the headphones.
- 4** Touch the screen or use the keypad to move through the ballot and select your choices.
- 5** You may use your own personal A/B - style switch to access the AutoMARK.
- 6** Verify your selections and press "Mark Ballot". The AutoMARK will mark and return your ballot.
- 7** Remove your ballot and place it in the ballot box.

Voter Registration Application for _____ County

Use this form to: Register to vote or report a name, address or party change.

Please print. Complete entire form. Return this form to your county auditor.

The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election. Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information.

Are you a citizen of the United States of America? ☐ Yes ☐ No

Will you be 18 years of age on or before election day? ☐ Yes ☐ No

If you checked 'no' in response to either of these questions, do not complete this form.

Last		First		Middle	Circle one: Jr Sr II III IV
Residence Address		Apt or Lot #	City/Town	State	Zip
Mailing Address (if different)		City/Town		State	Zip
If residence address is a post office box, rural box, or general delivery, you must give the location of your residence:					
Print previous name, if changed:					
South Dakota Driver License Number Required:					
(if you do not have a valid South Dakota driver license, you must give the last four numbers of your social security number)					
Please register me as a member of the _____ Party.				Birth Date Required:	Phone Number:
I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:					
* I am a citizen of the United States;					
* I actually live at and have no present intention of leaving the above address;					
* I will be 18 on or before the next election;					
* I have not been judged mentally incompetent;					
* I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system.					
* I authorize cancellation of my previous registration as written below.					
Dated ____/____/____		Voter Signature:			

For county auditor's office use only:

Ward _____ Precinct _____ Water _____ Leg _____ Comm _____ Township _____ School _____ other _____

Previous Voter Registration Information Required

I wish to be registered as shown above. I was last registered with the following name and address which will be cancelled:

Last		First		Middle	Circle one: Jr Sr II III IV
Previous Address		City/Town		State	Zip
County:		Birth Date:		Driver license number:	
Dated ____/____/____		Voter Signature:			

VoterRegistrationForm revised 09/08/2008

Voter Affidavits

I declare, under penalty of perjury, that my name is listed as _____
on the official voter registration list, that I am that person, and that I currently reside at _____.

The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine.

Dated _____

Voter signature _____

.....

I declare, under penalty of perjury, that my name is listed as _____
on the official voter registration list, that I am that person, and that I currently reside at _____.

The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine.

Dated _____

Voter signature _____

.....

I declare, under penalty of perjury, that my name is listed as _____
on the official voter registration list, that I am that person, and that I currently reside at _____.

The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine.

Dated _____

Voter signature _____

.....

I declare, under penalty of perjury, that my name is listed as _____
on the official voter registration list, that I am that person, and that I currently reside at _____.

The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine.

Dated _____

Voter signature _____

.....

NATIVE VOTE 2012

ELECTION OBSERVER'S PRECINCT QUESTIONNAIRE

GENERAL INFORMATION

YOUR NAME: _____
STATE: _____
POLLING SITE NAME: _____
TIME AT POLLING SITE: _____

YOUR PHONE #: _____
COUNTY: _____
PRECINCT NUMBER: _____

PRECINCT QUESTIONS

- (1) (a) Did the Polling Place open on time? YES NO (b) Did it close on time? YES NO
(c) Was the Polling Place closed at any point during the day? YES NO
- (2) Number of official election officials present: _____
- (3) Number of poll-watchers present: Republican: _____ Democrat: _____ Other: _____
- (4) Is there immediate telephone access to County Auditor to check/verify status of individual voters? YES NO
- (5) Do poll workers provide voters in wrong precinct directions to correct precinct? YES NO

BILINGUAL/ASSISTANCE CHECKLIST

- (1) Are there bilingual poll workers present? YES NO
- (2) Any signs or badges indicating availability of bilingual poll workers? YES NO
- (3) Are sample bilingual ballots displayed? YES NO
If so, Where? _____ How many? _____
- (4) Are bilingual voting instruction cards or informational cards available? YES NO
If so, Where? _____ How many? _____
- (5) Are voters who need assistance permitted an assister of their choice? YES NO

NATIVE VOTE 2012

ELECTION OBSERVER'S PRECINCT INCIDENTS TALLY SHEET

<u>NUMBER OF VOTERS WHO...</u>	<u>NATIVE AMERICAN</u>	<u>CAUCASIAN</u>	<u>OTHER</u>
Voted			
Were asked for an ID <i>if every voter is asked, just indicate such</i>			
Had no ID Or did not have an accepted form of ID <i>*please note Tribal ID issues</i>			
Not on voter list <i>*get the voter's information/where they registered</i>			
On Absentee Ballot List <i>*did County Auditor confirm whether person had voted</i>			
At wrong polling place/ precinct <i>*what was done to help</i>			
Challenged by a Partisan Pollwatcher <i>*indicate reason given by challenger</i>			
Forced to Vote by Provisional Ballot <i>* indicate reason why</i>			
Not allowed to vote/left without voting <i>*indicate reason why</i>			

Please use the separate **MAJOR INCIDENTS REPORT SHEET** to elaborate or explain any "major" incidents or recurring issues.

<p align="center">NATIVE VOTE 2012</p> <p align="center">MAJOR INCIDENT REPORT SHEET</p>	
--	--

YOUR PHONE #: _____
COUNTY: _____
PRECINCT NUMBER: _____

Please be as detailed as possible, including race, sex, name and contact information of any parties or witnesses when available. This information may have to be used again in the future.

Get NAME and PHONE NUMBER for all incidents. Often, we can only help if we can follow up.

DETAILED DESCRIPTION OF THE INCIDENT:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

TYPES OF MAJOR INCIDENTS TO REPORT

UNREGISTERED VOTERS WHO CLAIM TO HAVE REGISTERED

- If someone is certain they registered to vote but they are not on the voting roll, get their information (Name, contact info, where they think they registered, with what organization).

LACK OF NEEDED ASSISTANCE

- Any issues related to voters who need assistance or would like to bring someone into the poll to assist them (such as the disabled or language minorities)

NATIVE LANGUAGE ASSISTANCE

- Keep track of people seeking Native language assistance and whether they received that assistance (even if in areas where such assistance is not required).
- Translation services (including bilingual voting materials) not being provided (in required areas)

IDs

- Requests for ID where not required by law
- Acceptable forms of ID being rejected (especially Tribal IDs)
- Keep track of Native voters who could not vote because they didn't have acceptable ID (Especially keep track of voters with Tribal ID issues) and whether provisional ballots are being offered (voters with tribal ID or who sign affidavits should vote by regular ballot)

PROVISIONAL BALLOTS

- Keep track of the reason why each provisional ballot was cast. And, if voters were or were not offered one.
- Try and resolve all issues so that no provisional ballots are needed.

PARTISAN POLL MONITORS

- Selective challenges by poll monitors that appear based on race, ethnicity, or other demographic variables
- Random challenges by poll monitors not based on any justifiable rationale
- Intimidation of voters by loud challenges or argumentative discussions

SYSTEMIC PROBLEMS

- Faulty machines or unusually long lines at polling places
- Polling places opening late, being unavailable any point during voting hours, or closing early
- Insufficient number of ballots, provisional ballots, affidavits, voter registration forms, etc.

VOTERS BEING TURNED AWAY

- Voters denied the right to vote and told they were "purged" from the voter rolls or otherwise declared ineligible
- Selective questioning regarding felon status/voters denied because of being an ex-felon (if sentence completed and re-registered to vote)
- Voters without acceptable ID (denied opportunity to sign affidavit)
- Voters who are at the wrong precinct and are not assisted with finding their correct precinct

POSSIBLE VOTER SUPPRESSION TACTICS/INAPPROPRIATE BEHAVIOR

- Any remarks, slurs, or other obvious bias against voters by election officials, poll monitors, or other voters based on race, religion, color, ethnicity or country of origin
- Misinformation campaigns, consisting either of fliers, posters, telephone calls, or radio ads giving the wrong date of Election Day or giving false information about polling place locations or voting requirements
- Poll monitors with cameras and/or videocameras, ostensibly to catch acts of voter fraud on film
- Poll monitors in uniform, or with badges, armbands, or firearms
- Any individuals inappropriately approaching or confusing voters on their way into vote
- Any unusual law enforcement presence or activity at or in the vicinity of the polling place

COUNTY AUDITOR CONTACT INFORMATION

<u>COUNTY</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY SEAT</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
BENNETT	Susan Williams	Martin	605-685-6931	susan.williams@state.sd.us
BUFFALO	Elaine Wulff	Gann Valley	605-293-3217	elaine.wulff@state.sd.us
CHARLES MIX	Sherri Fuchs	Lake Andes	605-487-7131	cmixaud@hcinet.net
CODINGTON	Cindy Brugman	Watertown	605-882-6297	cbrugman@codington.org
CORSON	Dorothy Schuh	McIntosh	605-273-4229	corsonauditor@sdplains.com
DAY	Sandra Raap	Webster	605-345-9500	sandra.raap@state.sd.us
DEWEY	Kyrie Lemburg	Timber Lake	605-865-3672	Kyrie.Lemburg@state.sd.us
FALL RIVER	Sue Ganje	Hot Springs	605-745-5130	sue.ganje@state.sd.us
GRANT	Karen Layher	Milbank	605-432-6711	karen.layher@state.sd.us
GREGORY	Jim Waterbury	Burke	605-775-2664	jim.waterbury@state.sd.us
HAAKON	Patricia Freeman	Philip	605-859-2800	haakon@gwtc.net
HUGHES	Shellie Baumgart	Pierre	605-773-7451	shellie.baumgart@co.hughes.sd.us
HYDE	Sarah Rheinbolt	Highmore	605-852-2519	sarah.rheinbolt@state.sd.us
JACKSON	Vicki Wilson	Kadoka	605-837-2422	vicki.wilson@state.sd.us
LYMAN	Pam Michalek	Kennebec	605-869-2247	auditor@lymancounty.org
MARSHALL	Megan Biel	Britton	605-448-2401	mcauditor@venturecomm.net
MEADE	Lisa Schieffer	Sturgis	605-347-2360	auditor@meadecounty.org
MELLETTE	Jerry Schwarting	White River	605-259-3291	jerry.schwarting@state.sd.us
MOODY	Lori Schaefer	Flandreau	605-997-3161	mcaud1@moodycounty.net
ROBERTS	Dawn Sattler	Sisseton	605-698-7336	dawn.sattler@state.sd.us
SHANNON	Sue Ganje (Fall River County)	Pine Ridge	605-745-5130	sue.ganje@state.sd.us
STANLEY	Karen Sharp	Fort Pierre	605-223-7780	scauditor@midconetwork.com
TODD	Kathleen Flakus (Tripp County)	Mission	605-842-3727	kathleen.flakus@state.sd.us
TRIPP	Kathleen Flakus	Winner	605-842-3727	kathleen.flakus@state.sd.us
ZIEBACH	Cindy Longbrake	Dupree	605-365-5157	cindy.longbrake@state.sd.us



Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

South Dakota Poll Watcher and Observer Guidelines

South Dakota law allows poll watchers and observers to be present to observe the voting and counting activity at polling places and provides guidelines for poll watchers and observers. (*SDCL 12-18-8.1, 12-18-9, 12-18-9.1*)

Any person present at a polling place to observe who does not declare themselves to represent one of the categories to the right is not a poll watcher but is an observer.

Election board workers may not be poll watchers. Candidates on the ballot may not be poll watchers or observers.

Poll watchers must be positioned in a location where they can plainly see and hear what is done within the polling place but may not interfere in any way.

Poll watchers and observers may converse with the election board and look at the pollbook only if it doesn't interfere with the voting process.

Administrative rule 5:02:12 establishes the number of poll watchers allowed at each polling place:

- **Primary** – 1 for each candidate, 1 for each slate of national convention delegates, 1 for each side of any ballot issue
- **General** – 1 for each party, 1 for each independent candidate, 1 for each slate of presidential electors, 1 for each side of any ballot issue
- **Additional poll watchers** are allowed if "adequate space" permits.

In the polling place or within 100 feet of the entry, poll watchers and observers **MAY NOT**:

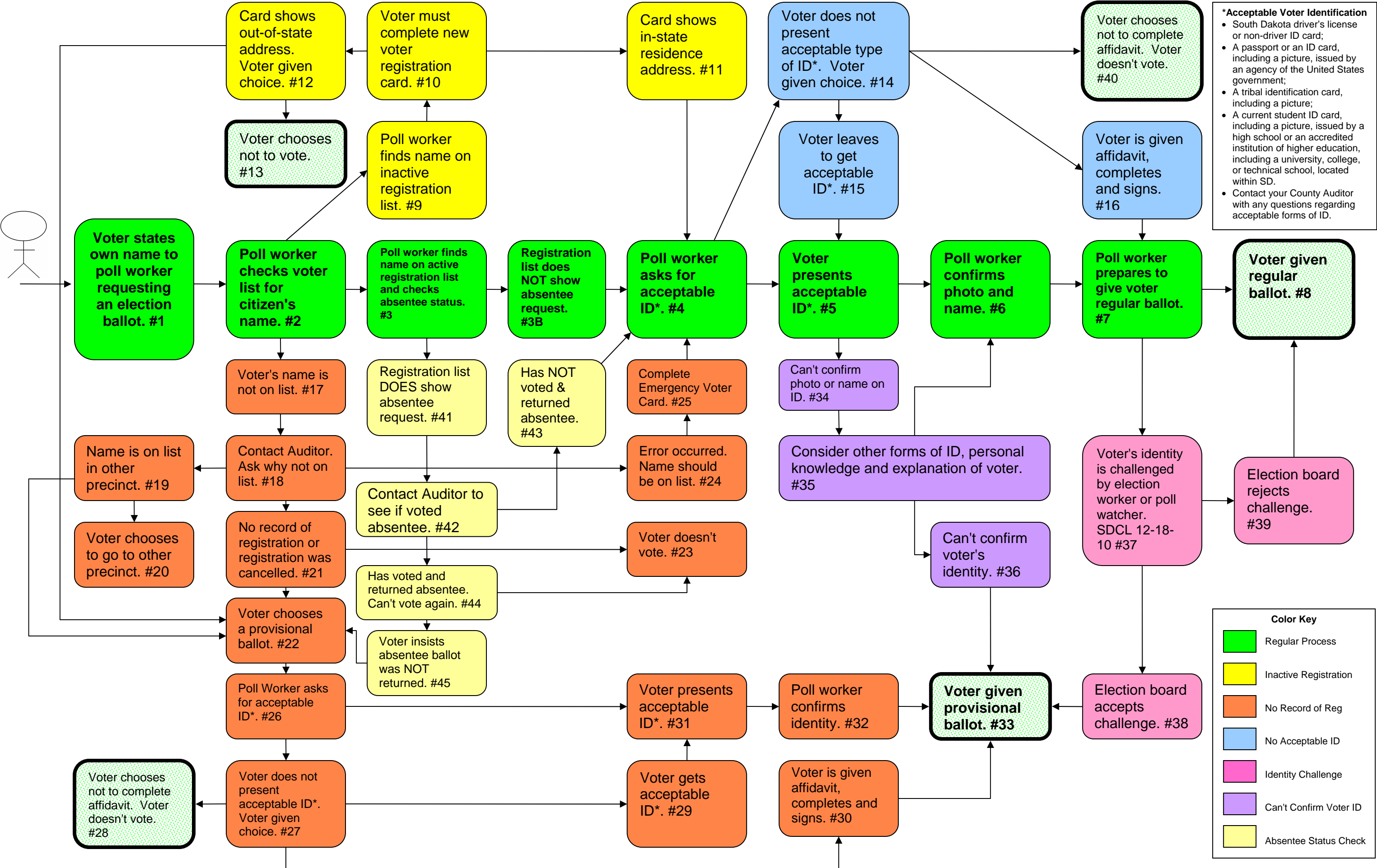
- ❌ Campaign or wear buttons or clothing containing campaign information (*SDCL 12-18-3*)
- ❌ Solicit votes for or against any person, political party or ballot question position (*SDCL 12-18-3*)
- ❌ Maintain an "office or public address system" (*SDCL 12-18-3*)
- ❌ Interfere with a voter's free access to the polling place (*SDCL 12-18-3*)
- ❌ Interfere with the official actions of the election board (*SDCL 12-18-9.1 and 12-26-22*)
- ❌ Disrupt the administration of the polling place (*SDCL 12-18-3*)
- ❌ Use any communication or photographic device in any manner which repeatedly distracts, interrupts, or intimidates any voter or election worker (*SDCL 12-18-3*)
- ❌ See into voting booths, read identifying numbers on photo identification cards, or interfere with voters in the act of voting or with the official actions of the election board (*SDCL 12-18-9.1*)
- ❌ Disobey a lawful command of an election worker (*SDCL 12-26-21*)
- ❌ Cause a disturbance or breach of peace (*SDCL 12-26-22*)
- ❌ Engage in disorderly conduct such as threatening behavior or making unreasonable noise (*SDCL 12-26-22*)
- ❌ Gather petition signatures (*SDCL 12-18-3*)
- ❌ Use the polling place telephone designated for the election board
- ❌ Take any unilateral steps to change any action, inaction or activity occurring at the polling place

If a poll watcher or observer has a concern or question about any action occurring in the polling place, that person should bring this concern to the attention of the precinct superintendent. It is then the superintendent's responsibility to respond to that

question or concern. If the precinct superintendent fails to correct the questioned activity, the poll watcher or observer should contact the **Secretary of State at 888-703-5328** or the county auditor.

April 4, 2012

South Dakota Polling Place Voter Key



If you have any questions, call your County Auditor

South Dakota Polling Place Voter Key

Box Number	Code Cite	Suggested Response
1	12-18-6.3	"Your name, please."
2, 3 and 3B	12-18-7.1	
4	12-18-6.3	"Do you have a photo ID?"
5	12-18-6.1	Check to see if the ID is on this list of acceptable IDs. (1) A South Dakota driver's license or nondriver identification card; (2) A passport or an identification card, including a picture, issued by an agency of the United States government; (3) A tribal identification card, including a picture; or (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.
6	12-18-6.3	Check to see that the photo matches the voter and that the name on the ID matches the name on the voter registration list.
7	12-18-12	Stamp ballot and hand to voter.
8	12-18-14	"Thank you for voting today!"
9	12-18-7.4	"Your name is on the inactive voter registration list."
10	12-18-7.4	"Because you are on the inactive registration list, you must complete a new voter registration card before voting. Here is that card to complete."
11	12-18-7.4	"Thank you for completing your voter registration card."
12	12-18-7.4	"You have provided an out-of-state residence address. You will not be able to cast a regular ballot. You may choose to not vote or you may cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can verify that your name should not be on the inactive list. Your provisional ballot may not be secret. It is your choice whether to vote."
13		
14		"Because you are not able to present an acceptable photo ID, you now have an option. You may leave the polling place to retrieve an acceptable ID or you may sign this personal identification affidavit."
15		
16	12-18-6.2	Observe voter complete affidavit. Be sure that it is fully completed and legible.
17	12-18-7.1 12-18-7.2	"I'm sorry, your name does not appear on the voter registration list. I will contact the county auditor to determine if you are registered at some other location or been mistakenly left off this list. Please wait while I make that call."
18	12-18-7.2	Auditor will tell you how to proceed with this voter.
19		"You are registered to vote in precinct 'X'. That polling place is located at _____. You may go to that polling place and cast a regular ballot which will be counted or if you are willing to swear that you registered to vote in this precinct you may cast a provisional ballot at this precinct. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can find your voter registration card for this precinct. Your provisional ballot may not be secret. It is your choice which ballot to vote."
20		
21	12-18-7.2	"The auditor has no record of your being registered to vote or your registration was cancelled because _____. You may choose to not vote or if you are willing to swear that you registered to vote and should remain registered to vote in this precinct, you may cast a provisional ballot at this precinct. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can verify your registration in this precinct. Your provisional ballot may not be secret. It is your choice whether to vote."

22	12-18-39	
23		
24	12-18-7.2	"An error has been made and your name should have been on the voter registration list."
25	12-18-7.2	"Please complete this emergency voting card and you will be able to vote."
26	12-18-6.3	"Do you have a photo ID?"
27	12-18-6.2	"Because you are not able to present an acceptable photo ID, you now have an option. You may leave the polling place to retrieve an acceptable ID or you may sign this personal identification affidavit or you may choose to not vote."
28	12-18-6.2	
29		
30	12-18-6.2	"Please complete this personal identification affidavit." Observe voter complete affidavit. Be sure that it is fully completed and legible.
31	12-18-6.1	Check to see if the ID is on the list of acceptable IDs.
32	12-18-6.3	Check to see that the photo matches the voter and that the name on the ID matches the name on the voter registration list.
33	12-18-39	Have voter complete the provisional ballot envelope and provide the voter with the "Notice to Provisional Voter."
34	12-18-6.3	"The ID you have presented does not appear to be you and/or the name on the ID does not match the name on the voter registration list."
35	12-18-6.3	"You may explain why the photo and/or name does not match and you may present other forms of identification to assist us in confirming your identity."
36	12-18-6.3	"Based on the identification you have presented and your explanation of why this identification does not appear to be you, you will not be allowed to cast a regular ballot. You may, however, cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify your identity. Your provisional ballot may not be secret. It is your choice whether to vote."
37	12-18-10	Election worker or poll watcher challenges the voter as to the voter's identity not being who they claim or that the voter has been convicted of a felony or declared mentally incompetent in the last 15 days. The challenger would present whatever evidence they have to the election board to support their claim that the person is ineligible to vote. "Your identity (or other cause) has been challenged. What explanation or evidence can you provide to rebut this challenge and prove your identity."
38	12-18-10	"By majority vote, this election board has determined that the challenge is accepted and that you are not who you claim to be. You may, however, cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify your identity. Your provisional ballot may not be secret. It is your choice whether to vote."
39	12-18-10	"By majority vote, this election board has rejected the challenge. You may vote."
40		
41		"The registration list shows you have voted absentee."
42		"I will contact the county auditor to determine if your absentee ballot has been voted and returned."
43		"Your absentee ballot has not been returned. You may vote in person today."
44	12-26-8	"Your absentee ballot has been voted and returned. You may not vote a second time."
45	12-18-39	"If you insist that you have not voted and returned your absentee ballot, you may choose to vote a provisional ballot. It is a crime to vote an absentee ballot and then vote a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify that you have not voted an absentee ballot. Your provisional ballot may not be secret."