

2025 South Dakota Legislature

Senate Bill 188**AMENDMENT 188B
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to amend 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~~ An individual who is registered as a voter may
5 vote by absentee ballot if the individual is not otherwise disqualified by law from voting in
6 the election may vote by absentee ballot and:

7 (1) The individual expects to be absent from the county where the individual is
8 registered as a voter on the day that the election is held;

9 (2) The individual is unable to vote at the polling place in the precinct where the
10 individual is registered as a voter because of:

11 (a) A physical disability;

12 (b) Illness;

13 (c) The observance of a religious holiday;

14 (d) Attendance at a postsecondary educational institution; or

15 (e) The nature or hours of the individual's employment;

16 (3) The individual is receiving care at a nursing facility, assisted living center, or
17 hospital;

18 (4) The individual is serving as a juror for a federal or state court; ~~or~~

19 (5) ~~The individual is incarcerated in a prison or jail and has not been convicted of a~~
20 ~~disqualifying felony; or~~

21 (6) The individual is an absent uniformed services voter or an overseas voter, as
22 defined by § 20310 of the Uniformed and Overseas Citizens Absentee Voting Act,
23 52 U.S.C. § 20310 et seq. (January 1, 2025).

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

1 **12-19-1.2.** Absentee voting ~~shall begin neither earlier nor later than~~ by mail
 2 begins forty-six days prior to the election including any voter identified as being covered
 3 by the ~~Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1)~~
 4 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20310 et seq. (January
 5 1, 2025).

6 **Section 3. That § 12-19-2 be AMENDED:**

7 **12-19-2.** ~~A voter~~ An individual desiring to vote by mail ~~may~~ shall apply to the
 8 person in charge of the election for an absentee ballot at least three business days before
 9 the election. The application or request must be made in writing, signed by the applicant,
 10 and must contain ~~the applicant's voter registration address.~~

11 (1) The name of the applicant;

12 (2) The applicant's voter registration address;

13 (3) The applicant's date of birth;

14 (4) The applicant's overseas mailing address, if applicable;

15 (5) The election in which the applicant desires to vote; and

16 (6) The reason that the applicant is requesting the absentee ballot.

17 The application ~~or request~~ must contain an oath verifying the validity of the
 18 information in the application ~~or request.~~ The oath must be administered by a notary
 19 public or other officer authorized by this state to administer an oath or administered by
 20 an out-of-state notary public. ~~If the application or request does not contain an oath, the~~
 21 ~~application or request must be accompanied by~~ The application must include a copy of the
 22 voter's identification card as required by § 12-18-6.1. The copy of the voter's identification
 23 card must be maintained by the person in charge of the election pursuant to § 12-20-31.

24 The voter's identification card ~~is,~~ and date of birth, and social security number are
 25 not available for public inspection. ~~The application or request may be used to obtain an~~
 26 ~~absentee ballot for all elections in that calendar year conducted by the jurisdiction~~
 27 ~~receiving the application or request if so indicated.~~ The ballot must be sent to the voter's
 28 residence, as shown in the voter registration file or any temporary residence address
 29 designated in writing by the voter, at the time of applying for the absentee ballot.

30 If the application ~~or request~~ is from a voter identified as being covered by the
 31 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., ~~as of~~
 32 ~~January 1, 2023~~ (January 1, 2025), the voter may designate on the application for the
 33 ballot to be sent electronically pursuant to this section through the system provided by
 34 the ~~Office of the Secretary of State~~ secretary of state.

1 The person in charge of the election shall stamp the application with the date it
2 was received. The person in charge of the election shall preserve a record of the name,
3 mailing address, and voting precinct of each applicant and, except as provided by § 12-
4 19-45, deliver a copy of the record to the superintendent of the election board of the home
5 precinct of the applicant.

6 **Section 4. That § 12-19-2.1 be AMENDED:**

7 **12-19-2.1.** ~~At any time prior to Beginning~~ fifteen ~~twenty-one~~ days before an
8 election, a voter may apply for an absentee ballot in person at the office of and to the
9 person in charge of the election during regular office hours or until five p.m. on the ~~day~~
10 Friday before the election, whichever is later. If the voter applies in person, the voter must
11 complete a combined absentee ballot application/return envelope and show the person in
12 charge of the election the voter's identification card as required in § 12-18-6.1 or complete
13 the affidavit as provided in § 12-18-6.2.

14 In the event of confinement because of sickness or disability, a qualified voter may
15 apply in writing pursuant to the provisions of § 12-19-2 and obtain an absentee ballot by
16 authorized messenger designated over the signature of the voter. The person in charge
17 of the election shall provide the ballot to be delivered to the qualified voter to the
18 authorized messenger. An application to have a ballot delivered by authorized messenger
19 must be received by the person in charge of the election before three p.m. on the day of
20 the election. If the application designating an authorized messenger also indicates a
21 request for an absentee ballot for any future election, the absentee ballot must be mailed
22 to the address provided on the application. If no address is provided, the ballot must be
23 mailed to the person's voter registration address.