



## 2022 South Dakota Legislature

# Senate Bill 123

Introduced by: **Senator Crabtree**

1 **An Act to provide for certain requirements in the absentee ballot application**  
 2 **process.**

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

4 **Section 1. That chapter 12-19 be amended with a NEW SECTION:**

5 No person may distribute an absentee ballot application to a voter that is prefilled  
 6 with the voter's name and registration address. This provision does not apply to any  
 7 person authorized to request an absentee ballot for a voter, or a person assisting a voter  
 8 who requires assistance by reason of blindness, physical disability, or inability to read or  
 9 write.

10 **Section 2. That chapter 12-19 be amended with a NEW SECTION:**

11 No person may distribute an application for an absentee ballot other than the  
 12 official application prescribed by the State Board of Elections. Any person, other than a  
 13 governmental entity, that distributes more than one absentee ballot application shall  
 14 clearly and prominently disclose to each applicant, in writing, the person's:

- 15 (1) Name;  
 16 (2) Address;  
 17 (3) Phone number; and  
 18 (4) E-mail address.

19 The person shall also provide a written disclosure to each applicant that states the  
 20 application was not provided by a governmental entity, and the application is not a ballot.  
 21 If a political committee, as defined in § 12-27-1, is distributing the application, the  
 22 disclosure must contain the statement required by § 12-27-15.

23 **Section 3. That § 12-19-2.2 be AMENDED:**

1           **12-19-2.2.** If a person is an authorized messenger for more than one voter, ~~he~~  
2           the messenger must notify the person in charge of the election of all voters for whom ~~he~~  
3           the person is a messenger. The person in charge of the election shall keep a record of  
4           messengers assisting more than one voter.

5           **Section 4. That § 12-19-5 be AMENDED:**

6           **12-19-5.** The envelope containing the enclosures, if not delivered to the voter  
7           personally by the person in charge of the election or the authorized messenger filing the  
8           voter's request for an absentee ballot, shall, except for federal service voters, be mailed  
9           by first class mail to the address of the applicant stated in ~~his~~ the application, with postage  
10          prepaid thereon. Both the return envelope and the envelope for transmitting the  
11          enclosures to federal service voters ~~shall~~ must meet the applicable requirements of the  
12          Uniformed and Overseas Citizens Absentee Voting Act ~~(UOCAVA)(42 U.S.C. § 1973), 52~~  
13          U.S.C. § 20302 et seq., as of January 1, 2022, and shall must be transmitted by air mail,  
14          free of United States postage, including air mail.