



# OFFICE OF THE SECRETARY OF STATE

## STEVEN J. BARNETT, SECRETARY OF STATE

### 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, 9, 9.1*)

Any person at a polling place, to observe, who does not declare themselves to represent one of the categories below is not a poll watcher but is an observer. *ARSD 05:02:12* establishes the number of poll watchers allowed at each polling place for the following elections:

- **Primary\***- ONE for each candidate, ONE for each slate of national convention delegates, ONE for each side of any ballot issue
- **General\***- ONE for each party, ONE for each independent candidate, ONE for each slate of presidential electors, ONE for each side of any ballot issue

*\*additional poll watchers are allowed if "adequate space" permits*

No person may publicize an official ballot after it is marked to any person in such a way as to reveal the contents of the official ballot, or the name of any candidate for whom the person has marked a vote. (*SDCL 12-18-27*).

Those **NOT allowed as Poll Watchers:**

- Election Board Workers
- Candidates on the ballot (*cannot be an Observer either*)

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 (*SDCL 12-18-9*). 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.

Within 100 feet of a polling place (*includes absentee voting polling places*), poll watchers and observers **MAY NOT** do any of the following (*SDCL 12-18-3, 12-18-9.1, 12-26-21, 12-26-22*):

- Campaign or wear buttons or clothing containing campaign information
- Solicit votes for or against any person, political party or ballot question
- Maintain an "office or public-address system"
- 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
- Use any communication or photographic device in any manner which repeatedly distracts, interrupts or intimidates any voter or election worker
- Use any communication, photographic or video device to take video or pictures of the pollbook
- Look into voting booths, read identifying numbers on photo identification cards or interfere with voters in the act of voting or with the official action of the election board
- Disobey a lawful command by any election worker
- Cause a disturbance or breach of peace
- Engage in disorderly conduct such as threatening behavior or making unreasonable noise
- Gather petition signatures
- 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
- Advocate for or against a voter as the voter interacts with the election board

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.

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