

# SOUTH DAKOTA 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key provisions found within Title 12 South Dakota Codified Laws and other relevant statutes.

- Disturbing or impeding election proceedings or threatening or interfering with election officials is a misdemeanor.
- Using force or Intimidating, threatening, or hindering a voter related to their vote is a misdemeanor.
- Tampering with voting systems, election equipment, ballots, or related materials is a felony.

## VOTING HOURS

**Election Day**  
7 a.m. to 7 p.m.

## 2024 ELECTION DATES

**Primary Election:** June 4  
**General Election:** November 5  
**For upcoming election dates:**  
[sdsos.gov/elections-voting/assets/2024Assets/2024ElectionCALENDAR.pdf](https://sdsos.gov/elections-voting/assets/2024Assets/2024ElectionCALENDAR.pdf)

## REPORT SUSPICIOUS BEHAVIOR TO

**Your local election official:**  
[vip.sdsos.gov/CountyAuditors.aspx](https://vip.sdsos.gov/CountyAuditors.aspx)  
**SD Secretary of State:**  
(605) 773-3537; [elections@state.sd.us](mailto:elections@state.sd.us)  
[sdsos.gov/elections-voting/default.aspx](https://sdsos.gov/elections-voting/default.aspx)  
**SD Board of Elections:**  
[sdsos.gov/about-the-office/board-of-elections/default.aspx](https://sdsos.gov/about-the-office/board-of-elections/default.aspx)



## **Disturbance of election proceedings as misdemeanor.**

S.D. Codified Laws § 12-26-22

No person may cause any disturbance or breach of the peace, or engage in disorderly conduct in violation of § 22-18-35, or use threats of violence, whereby an election is impeded or hindered, or whereby the lawful proceedings of the precinct superintendent or precinct deputies, ballot counters, or canvassers of an election, in the discharge of the person's duty, are interfered with. A violation of this section is a Class 2 misdemeanor.

## **Persecution, threats, or intimidation to influence vote as misdemeanor--Obstruction of voter on way to polls.**

S.D. Codified Laws § 12-26-12

A person who directly or indirectly, intentionally, by force or violence, or by unlawful arrest, or by any abduction, duress, damage, harm, or loss, or by any forcible or fraudulent contrivance, or by threats to do or employ any of them, or by threats of bringing civil suit or criminal prosecution, withdrawal of customs or dealing in business or trade, or enforcing payment of debts, or by any kind of injury or threat of injury inflicted or to be inflicted on any voter or person to influence any voter, and attempted, done, or threatened, or caused to be attempted, done, or threatened by any person in his own behalf or in behalf of any other person or question voted upon or to be voted upon at

any election, for the purpose of preventing, causing, or intimidating a voter to vote or refrain from voting for or against any person or question, or who does or causes to be done any of such things because of 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.

### **Tampering with ballots, ballot box, or poll list as felony.**

S.D. Codified Laws § 12-26-23

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 or is pending and undisposed of, shall intentionally deface, change, injure, destroy, steal, or conceal any ballot or ballots which have been voted and deposited in any ballot box at an election, is guilty of a Class 6 felony.

## **Tampering with automatic ballot counting devices, direct recording electronic voting machines, and electronic ballot marking systems as felony.**

S.D. Codified Laws § 12-26-23.1

No person may intentionally program or alter an automatic ballot counting device, direct recording electronic voting machine, or electronic ballot marking system to erroneously mark, record, or count voted ballots or to render an erroneous total. A violation of this section is a Class 5 felony.

## **Electioneering, offices, distracting communications devices, and signature gathering prohibited near polling place-- Violation as misdemeanor.**

S.D. Codified Laws § 12-18-3

Except for sample ballots and materials and supplies necessary for the conduct of the election, no person may, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place, maintain a campaign office or public address system, or use any communication or photographic device in a manner which repeatedly distracts, interrupts, or intimidates any voter or election worker, or display campaign posters, signs, or other campaign materials or by any like means solicit any votes for or against any person or political party or position on a question submitted or which may be submitted. No person may

engage in any practice which interferes with the voter's free access to the polls or disrupts the administration of the polling place, or conduct any petition signature gathering, on the day of an election, within one hundred feet of a polling place. For the purposes of this section, the term, polling place, means a designated place voters may go to vote on the day of the election or go to vote absentee. A violation of this section is a Class 2 misdemeanor.

### **Removal of unauthorized material and disobedient persons--Arrest authorized.**

S.D. Codified Laws § 12-18-9.2

Each election officer and all law enforcement officers shall remove materials in violation of § 12-18-3 and disobedient persons in violation of § 12-18-9.1 [relating to placement of poll watchers and voters waiting to vote] and arrest any person so interfering with the conduct of the election.

### **Disobedience of precinct superintendent or precinct deputy as misdemeanor.**

S.D. Codified Laws § 12-26-21

A person who intentionally disobeys a lawful command of a precinct superintendent or precinct deputy of any election, given in the execution of the person's duty as such at an election, is guilty of a Class 2 misdemeanor.

## **Threats or intimidation to prevent public assembly of electors as misdemeanor-- Hindering attendance at meeting.**

S.D. Codified Laws § 12-26-10

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.

## **Possession of firearm or dangerous weapon on public elementary or secondary school premises or in vehicle or building as misdemeanor--Exceptions.**

S.D. Codified Laws § 13-32-7

Any person who intentionally carries, possesses, stores, keeps, leaves, places, or puts into the possession of another person, any dangerous weapon, firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended to be used primarily for imitative or noisemaking purposes, on or in any public elementary or secondary school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for public elementary or secondary school functions, whether or not any person is endangered by any action under this section, is guilty of a Class 1 misdemeanor.

[Pursuant to S.D. Codified Laws § 13-32-7, exceptions to this section include law enforcement officers; persons who completed a specific school sentinel training course; authorized individuals over 21 who hold an enhanced permit to conceal carry and have written permission from the school authorities; and supervised school or session for training in the use of firearms.]

### **Possession in county courthouse or state capitol--Misdemeanor.**

S.D. Codified Laws § 22-14-23.

Except as provided in § 22-14-24, any person who knowingly possesses or causes to be present any firearm or other dangerous weapon, in any county courthouse or in the state capitol, or attempts to do so, is guilty of a Class 1 misdemeanor.

[Pursuant to S.D. Codified Laws § 22-14-24, exceptions to this section include authorized law enforcement officers in performance of official duties; qualified retired law enforcement officers; judges; magistrates; authorized federal or state officers; authorized members of the armed forces; and certain authorized court employees.]



Committee for

**SAFE AND SECURE  
ELECTIONS**

