

VOTER ELIGIBILITY

Q CAN I VOTE IF I WAS CONVICTED OF A FELONY IN STATE COURT?

A If you were convicted of a **felony** in **state court**:

- You **CAN** vote if you are on probation.
- You **CAN** vote if you received a *suspended imposition** of your sentence.
- You **CAN** vote if you were ordered to pay a fine or restitution.
- You **CAN** vote if you were sentenced to a juvenile detention facility, as long as you are at least eighteen years old.
- You **CANNOT** vote if you are in prison.
- You **CANNOT** vote if you are on parole.
- If you were sentenced to prison and received a *suspended execution** of your sentence, you **CANNOT** vote during the term of the suspended sentence.

* If you got a *suspended imposition* of your sentence, the court put you on probation and did not officially convict you (judge you guilty). If you violate your probation conditions, you will be judged guilty and given a sentence. If you do not violate the conditions, your record may be sealed.

If you got a *suspended execution* of your sentence, you were convicted (judged guilty) but the court said you do not have to serve your sentence if you meet certain requirements (like paying restitution). If you violate those conditions you will have to serve your sentence.

Q CAN I VOTE IF I WAS CONVICTED OF A FELONY IN FEDERAL COURT?

A If you were convicted of a **felony** in **federal court**:

- You **CAN** vote if you are on probation.
- You **CAN** vote if you were ordered to pay a fine or restitution.
- You **CANNOT** vote if you are in prison.
- You **CANNOT** vote if you were sentenced to prison and are on supervised release.

Q CAN I VOTE IF I WAS CONVICTED OF A MISDEMEANOR?

A If you were convicted of a **misdemeanor** you **CAN** vote.

If you are still in jail, you have to vote by absentee ballot. You must request an absentee ballot in advance from your county auditor or download one at <http://www.sdsos.gov/electionsvoteregistration/Absentee.shtm>.

REGISTERING TO VOTE

Once you become eligible, you still have to register (or re-register) to vote!

To register to vote in South Dakota, you must:

- Be a United States citizen
- Reside in South Dakota
- Be at least 18 years old on or before the next election
- Not be judged mentally incompetent by a court of law
- Not currently be serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system (see across for information about voting with a criminal conviction)

Q HOW DO I REGISTER TO VOTE?

A You can register to vote:

- **In person** by filling out a voter registration form at your county auditor's office;
- **By mail** by filling out a mail-in voter registration form (available from your county auditor, from most libraries, colleges and high schools, or online at <http://www.sdsos.gov/electionsvoteregistration/registration.shtm>) and mailing it to your local elections office; or
- **When you apply for services** at Driver's License Stations and state agencies that provide public assistance (such as Medicaid, WIC, and food stamps) or services to people with disabilities. You may also be able to register at many other state and federal offices and agencies.

Q WHAT DO I NEED TO REGISTER TO VOTE?

A To register to vote, you must provide your name, address, and South Dakota driver's license number. If you do not have a valid South Dakota driver's license, you must give the last four digits of your social security number.

If you have a felony conviction, you do not need to show any special documentation when you register to vote. However, you should keep a copy of your Certificate of Discharge or other court-related documents in case there is a question about your eligibility.

Q **WHAT IS THE DEADLINE TO REGISTER TO VOTE?**

A The deadline for registration is 15 days before any election. Your registration form must be received by the auditor by this deadline if you are to vote in the next election.

RESOURCES

American Civil Liberties Union of South Dakota

401 E. 8th Street Suite 226
Sioux Falls, SD 57103
605.332.2508
www.aclusd.org

South Dakota Secretary of State

Capitol Building
500 East Capitol Avenue Ste 204
Pierre SD 57501-5070
(605) 773-3537
elections@state.sd.us
www.sdsos.gov



VOTING WITH A CRIMINAL CONVICTION IN SOUTH DAKOTA



VOTE

to empower yourself, your family
and your community.

VOTE

so that the needs of your community
are addressed by those in office.

VOTE

because your voice is important
and deserves to be heard.



For more information or assistance,
contact the ACLU of South Dakota:

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