



South Dakota

*Help America Vote Act
(HAVA) Complaint
Process Guide*

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

This guide was last updated on 03/08/2024.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

South Dakota law was written, effective July 1, 2003, to comply with HAVA Section 402. [South Dakota Codified Law 12-1-21 thru 12-1-30](#) provides the procedure for the administrative complaint process. Initial complaints are resolved by the State Board of Elections using an existing administrative complaint process. The alternative dispute process involves judicial appointment of an arbitrator to resolve the complaint.

[12-1-21. Complaints filed under the Help America Vote Act.](#)

The State Board of Elections shall resolve any complaint filed under Section 402 of the Help America Vote Act of 2002, as of January 1, 2003, in accordance with the contested case provisions of chapter 1-26. The complaint shall be signed, notarized, and filed with the secretary of state. The board shall resolve the complaint within ninety days of its filing. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, governing the procedure for the complaint process.

How do I file a non-HAVA election complaint?

[Link to Statutes](#)

Concerns about the election process may be directed to [County Auditors](#) or the [Secretary of State office](#).

If you believe an election crime has been committed, please file a report with law enforcement.

Who can I contact regarding an election related complaint?

Secretary of State's Office—Election Services	
Physical Address:	Secretary of State Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070
Mailing Address:	Secretary of State, Division of Elections Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070
Phone Number:	605-773-3537
Fax Number:	605-773-6580
E-mail:	HAVA@state.sd.us
County Auditors:	https://vip.sdsos.gov/CountyAuditors.aspx

South Dakota Office of the Attorney General	
Physical Address:	Division of Criminal Investigation 1302 E Hwy 14, Suite 5 Pierre SD 57501-8505
Mailing Address:	Division of Criminal Investigation 1302 E Hwy 14, Suite 5 Pierre SD 57501-8505
Phone Number:	605-773-3331
Fax Number:	605-773-4629
E-mail Webform:	https://atg.sd.gov/Contact.aspx#gsc.tab=0