



2024 South Dakota Legislature

Senate Bill 123

HOUSE STATE AFFAIRS ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Nesiba**

1 **An Act to revise provisions pertaining to voter registration requirements and the**
2 **state board of elections.**

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

4 **Section 1. That § 12-1-4 be AMENDED:**

5 **12-1-4.** For the purposes of this title, the term, ~~residence,~~ "resident" means the
6 place in which a person is domiciled as shown by an actual fixed permanent dwelling,
7 establishment, or any other abode to which the person returns a person who has, for thirty
8 consecutive days prior to an election, fixed a habitation in this state to which the person
9 intends to return after a period of absence.

10 A person who leaves the ~~residence~~ person's habitation and goes into another
11 county of this state or another state or territory for a temporary purpose ~~has not changed~~
12 residence remains a resident.

13 A person ~~is considered to have gained residence in~~ becomes a resident of any
14 county or municipality of this state in which the person actually lives, if the person has no
15 present intention of leaving.

16 A person ~~retains residence in~~ is a resident of this state until ~~another residence has~~
17 ~~been gained~~ the person becomes a resident of another state or territory. If a person moves
18 from this state to another state or territory with the intention of making it the person's
19 permanent home habitation, the person ~~loses residence in~~ is no longer a resident of this
20 state.

21 **Section 2. That § 12-3-1 be AMENDED:**

22 **12-3-1.** Only a citizen of the United States may vote in a municipal, county,
23 primary, general, school district or any other election in this state, if the person is
24 otherwise qualified.

1 Every person who, at the time of an election, ~~maintains residence in~~ is a resident
 2 of this state, will be eighteen years of age or older on or before the next election, is not
 3 otherwise disqualified, and complies with the law regarding the registration of voters
 4 pursuant to chapter 12-4, may vote at any election in this state.

5 **Section 3. That § 12-4-1 be AMENDED:**

6 **12-4-1.** A person who ~~maintains residence, as provided in § 12-1-4, within the~~
 7 ~~state for at least thirty days prior to submitting the registration form, and who has~~ is or
 8 will be a resident of this state and has or will have the qualifications of a voter prescribed
 9 by § 12-3-1 or 12-3-1.1, ~~or who will have such qualifications~~ at the next ensuing
 10 municipal, county, primary, general, or school district or any other election in this state,
 11 is entitled to be registered as a voter in the election precinct ~~in which the person maintains~~
 12 residence where the person is a resident.

13 A person eligible to vote may vote only in the election precinct where the person
 14 ~~maintains residence~~ is a resident.

15 **Section 4. That § 12-4-1.2 be AMENDED:**

16 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
 17 by which the applicant attests, under the penalty of perjury, that the applicant:

- 18 (1) Is a citizen of the United States;
- 19 (2) Will be eighteen years or older on or before the next election;
- 20 (3) ~~Has maintained residence in South Dakota for at least thirty days prior to~~
 21 ~~submitting the registration form~~ Has or will have fixed a habitation in this state to
 22 which the person intends to return after a period of absence for at least thirty
 23 consecutive days before the next election;
- 24 (4) Has not been judged mentally incompetent;
- 25 (5) Is not currently serving a sentence for a felony conviction; and
- 26 (6) Authorizes the cancellation of a previous registration, if applicable.

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

28 **12-4-5.** The county auditor shall enter in the master registration file the name of
 29 each eligible person whose completed application for registration and mail registration
 30 card is received no later than ~~5:00~~ five p.m. local time at least ~~fifteen~~ thirty days preceding
 31 the election by the county auditor or the local, state, or federal agency responsible for

1 conducting voter registration under this chapter. A voter registration completed at any
2 local, state, or federal agency during any week commencing on Tuesday through the
3 following Monday ~~shall~~ must be sent to the appropriate county auditor by the agency
4 receiving the registration or mail registration card no later than the following Wednesday.
5 The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the
6 alternative transmission of voter registration information by computer from the agency to
7 the secretary of state. The name of any voter who has registered to vote by ~~5:00~~ five
8 p.m. local time ~~fifteen~~ thirty days preceding a runoff election ~~shall~~ must be added to the
9 file used for the runoff election.

10 **Section 6. That § 12-4-12 be AMENDED:**

11 **12-4-12.** Any new registrant previously registered elsewhere ~~shall be in this state~~
12 is required to sign an authorization which ~~shall~~ must be forwarded by the registration
13 official to the auditor or other appropriate registration official of the county of former
14 registration, ~~or other appropriate registration official~~, who shall remove the registrant's
15 name from the registration file. If the new registrant previously registered in another
16 state, the registration official must forward the authorization to the appropriate out-of-
17 state-registration official.

18 **Section 7. That § 12-1-10 be AMENDED:**

19 **12-1-10.** The Board of Elections shall meet prior to the beginning of each
20 legislative session to review the election laws of this state and recommend any desirable
21 or necessary changes. The board shall report to and make recommendations any
22 recommended changes to the secretary of state ~~concerning desirable or necessary~~
23 ~~changes in the election laws of this state.~~