



2023 South Dakota Legislature

Senate Bill 139

Introduced by: **Senator Deibert**

1 **An Act to revise provisions qualifications for the purposes of voter registration.**

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

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

4 **12-1-4.** For the purposes of this title, the term, residence, means the place in
5 which a person ~~has fixed his or her habitation~~ is domiciled as shown by an actual fixed
6 permanent dwelling, establishment, or any other abode ~~and to which the person, whenever~~
7 ~~absent, intends to return~~ returns when absent.

8 A person who ~~has left home and gone~~ leaves the residence and goes into another
9 county of this state or another state or territory ~~or county of this state~~ for a temporary
10 purpose ~~only~~ has not changed ~~his or her~~ residence.

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

14 A person retains residence in this state until another residence has been gained. If
15 a person moves from this state to another state, ~~or to any of the other territories, territory~~
16 with the intention of making it ~~his or her~~ the person's permanent home, the person ~~thereby~~
17 loses residence in this state.

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

19 **12-3-1.** Every person ~~resident of~~ who, at the time of an election, maintains
20 residence in this state ~~who shall be of the age of, is~~ eighteen years and upwards of age or
21 older, is not otherwise disqualified, ~~who shall have complied and complies~~ with the
22 provisions of law relating to regarding the registration of voters pursuant to chapter 12-4,
23 ~~shall be entitled to~~ may vote at any election in this state.

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

1 **12-4-1.** Every person ~~residing who maintains residence, as provided in § 12-1-4,~~
 2 within the state for at least thirty consecutive days immediately prior to the day the person
 3 registers to vote, and who has the qualifications of a voter prescribed by § 12-3-1 or 12-
 4 3-1.1, or who will have such qualifications at the next ensuing municipal, primary, general,
 5 or school district election, ~~shall be~~ is entitled to be registered as a voter in the ~~voting~~
 6 ~~precinct in which he resides~~ election precinct in which the person maintains residence.

7 A person eligible to vote may vote only in the election precinct where the person
 8 maintains residence.

9 **Section 4. That § 12-4-5.4 be AMENDED:**

10 **12-4-5.4.** Any person registering to vote shall provide the person's valid South
 11 Dakota driver license number or a South Dakota nondriver identification number on the
 12 voter registration form. If a person does not have a valid South Dakota driver license or
 13 a South Dakota nondriver identification number, the person shall provide the last four
 14 digits of the person's social security number on the voter registration form.

15 If a person does not have a valid South Dakota driver license, ~~or~~ or a South Dakota
 16 nondriver identification number, ~~or but has~~ but has a social security number, the person may only
 17 register at the county auditor's office ~~and~~. The applicant shall provide documentation
 18 establishing the applicant's residence for the thirty days immediately prior to the date of
 19 application and shall sign a statement verifying the fact that the person does not have a
 20 valid South Dakota driver license, a South Dakota nondriver identification number, ~~or a~~
 21 social security number. ~~The statement shall be prescribed by the State Board of Elections~~

22 If a person does not have a valid South Dakota driver license, a South Dakota
 23 nondriver identification number, or a social security number, the person may only register
 24 at the county auditor's office. The applicant shall provide documentation establishing the
 25 applicant's residence for the thirty days immediately prior to the date of application and
 26 shall sign a statement verifying the fact that the person does not have a valid South
 27 Dakota driver license, a South Dakota nondriver identification number, or a social security
 28 number.

29 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
 30 prescribing the statement and the documentation that may be accepted to establish the
 31 applicant's residence.

32 **Section 5. That chapter 12-4 be amended with a NEW SECTION:**

- 1 The voter registration form must include a certification of voter eligibility by which
2 the applicant attests, under the penalty of perjury, that the applicant:
3 (1) Is a citizen of the United States;
4 (2) Will be eighteen years or older on or before the next election;
5 (3) Has maintained residence at the address provided on the registration form for at
6 least the thirty days immediately prior to submitting the registration form;
7 (4) Has not been judged mentally incompetent;
8 (5) Is not currently serving a sentence for a felony conviction; and
9 (6) Authorizes the cancellation of a previous registration, if applicable.