



## 2023 South Dakota Legislature

# Senate Bill 139

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Deibert**

1 **An Act to revise residency requirements 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 after a period of absence.

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,~~ will be eighteen years ~~and upwards of~~  
 21 age or older on or before the next election, ~~is not otherwise disqualified,~~ ~~who shall have~~  
 22 complied and complies with the ~~provisions of law relating to~~ regarding the registration of  
 23 voters pursuant to chapter 12-4, ~~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 days in the year prior to submitting the registration  
3           form, and who has the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or  
4           who will have such qualifications at the next ensuing municipal, primary, general, or school  
5           district election, ~~shall be~~ is entitled to be registered as a voter in the ~~voting precinct in~~  
6           ~~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 chapter 12-4 be amended with a NEW SECTION:**

10           The voter registration form must include a certification of voter eligibility by which  
11           the applicant attests, under the penalty of perjury, that the applicant:

- 12           (1) Is a citizen of the United States;  
13           (2) Will be eighteen years or older on or before the next election;  
14           (3) Has maintained residence at the address provided on the registration form for at  
15           least thirty days in the year prior to submitting the registration form;  
16           (4) Has not been judged mentally incompetent;  
17           (5) Is not currently serving a sentence for a felony conviction; and  
18           (6) Authorizes the cancellation of a previous registration, if applicable.