

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

933T0486

## HOUSE BILL NO. 1247

Introduced by: Representatives Abdallah, Gosch, Hawley, Kirkeby, Novstrup (David), and Willadsen and Senators Rhoden, Cutler, and Peters

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting rights of  
2 persons convicted of a felony or serving time in the state penitentiary.

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

4 Section 1. That § 12-4-18 be amended to read as follows:

5 12-4-18. The clerk of courts shall, within fifteen days after the close of each month, prepare  
6 and deliver to the auditor an abstract from the records of the names of persons declared mentally  
7 incompetent in the preceding month. The notice shall be sent to the county auditor of the county  
8 in which the person declared incompetent resides. The county auditor shall remove from the  
9 master registration list the names of persons identified in accordance with the information  
10 provided pursuant to this section and names of those sentenced to imprisonment in the federal  
11 penitentiary system and may remove names published in an obituary.

12 Voter registration records maintained in or transmitted to the statewide voter registration file  
13 shall be matched with the death records maintained as vital statistics records by the Department  
14 of Health and the records of felony convictions maintained by the Unified Judicial System. Any  
15 voter identified as deceased or who ~~receives a felony sentence to the adult state penitentiary~~



1 ~~system including a suspended execution of a sentence~~ is serving a sentence for a felony  
2 conviction shall be removed from the voter registration records. The State Board of Elections  
3 may promulgate rules, pursuant to chapter 1-26, determining how voter registration records shall  
4 be matched.

5 ~~— This section is effective on January 1, 2004.~~

6 Section 2. That § 23A-27-35 be amended to read as follows:

7 23A-27-35. A sentence of imprisonment in the state penitentiary for any term suspends the  
8 right of the person so sentenced ~~to vote~~, to hold public office, to become a candidate for public  
9 office, and to serve on a jury, ~~and~~ Any such person so sentenced forfeits all public offices and  
10 all private trusts, authority, or power during the term of such imprisonment. Any person who  
11 is serving a term in any penitentiary shall be a competent witness in any action now pending or  
12 hereafter commenced in the courts of this state, and ~~his~~ the person's deposition may be taken in  
13 the same manner prescribed by statute or rule relating to taking of depositions. After a  
14 suspension of sentence pursuant to § 23A-27-18, upon the termination of the time of the original  
15 sentence or the time extended by order of the court, a defendant's rights withheld by this section  
16 are restored. However, the voting rights of any person sentenced to imprisonment in the state  
17 penitentiary shall be governed by Title 12.