



2021 South Dakota Legislature

Senate Bill 116

Introduced by: **Senator Frye-Mueller**

1 **An Act to revise certain provisions regarding voter registration records.**

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

3 **Section 1.** That § 12-4-9 be AMENDED.

4 **12-4-9. Master registration file--Contents--Public inspection--Limitations--**
 5 **Duty to update--Penalty.**

6 The county auditor shall maintain and safeguard a file of voters in computer format
 7 that contains the information of each person registered in each voting precinct within the
 8 county. This file shall be known as the master registration file and shall be, at all times
 9 during office hours, open to public inspection. However, public access to social security
 10 numbers, driver license numbers, and dates of birth contained in the master registration
 11 file is prohibited. The master registration file shall contain all information from each voter's
 12 registration card. The master registration file shall also include the date of the last election
 13 the voter has voted in and when the voter's information was last updated. The master
 14 registration file may also contain additional voter history information. Any voter
 15 registration form for a purged or unregistered voter shall be kept for twenty-two months.
 16 No purged or unregistered voter may be included in the master registration file. The
 17 master registration file shall be updated no less than once a month. A person who fails to
 18 comply with the requirements of this section is guilty of a Class 2 misdemeanor.

19 **Section 2.** That § 12-4-18 be AMENDED.

20 **12-4-18. Registration records--Incompetent, deceased or convicted felon--**
 21 **Removal--Penalty.**

22 The clerk of courts shall, within fifteen days after the close of each month, prepare
 23 and deliver to the auditor an abstract from the records of the names of persons declared
 24 mentally incompetent in the preceding month. The notice shall be sent to the county
 25 auditor of the county in which the person declared incompetent resides.

1 Each county coroner shall, within five days after the close of each week, prepare and
 2 deliver to the auditor a list of the names of persons declared deceased in the preceding
 3 week.

4 The county auditor shall remove from the master registration ~~list the file:~~

5 (1) The names of persons identified as mentally incompetent in accordance with the
 6 information provided pursuant to this section ~~and;~~

7 (2) The names of ~~those persons~~ sentenced to imprisonment in the federal penitentiary
 8 system ~~and may remove; and~~

9 (3) The names ~~published in an obituary~~ of deceased persons in accordance with the
 10 information provided pursuant to this section.

11 Voter registration records maintained in or transmitted to the statewide voter
 12 registration file shall be matched with the death records maintained as vital statistics
 13 records by the Department of Health and the records of felony convictions maintained by
 14 the Unified Judicial System. Any voter identified as deceased or who is serving a sentence
 15 for a felony conviction shall be removed from the voter registration records. The State
 16 Board of Elections may promulgate rules, pursuant to chapter 1-26, determining how voter
 17 registration records shall be matched.

18 A person who fails to comply with the requirements of this section is guilty of a Class
 19 2 misdemeanor.

20 **Section 3.** That a NEW SECTION be added:

21 **12-4-18.1. Master registration file--Removal--Failure to vote--Penalty.**

22 If the county auditor has reason to believe that a person no longer resides at the
 23 person's registered address, the auditor shall mail a notice to that person requesting
 24 confirmation that the person still resides at the person's registered address. The county
 25 auditor shall remove the person from the master registration file if the person fails to:

26 (1) Respond to such a notice and vote in the registered precinct at least once during a
 27 period of four consecutive years, which period shall include two general federal
 28 elections; or

29 (2) Update the voter's registration with the auditor and vote at least once during a
 30 period of four consecutive years, which period shall include two general federal
 31 elections.

32 The secretary of state, pursuant to chapter 1-26 and in compliance with federal
 33 law, shall prescribe by rule the means by which a person is removed from a master

1 registration list pursuant to this section and create the confirmation notice that shall be
2 sent to a registered voter before removal.

3 A person who fails to comply with the requirements of this section is guilty of a
4 Class 2 misdemeanor.

5 **Section 4.** Each county auditor, within thirty days after the effective date on this Act, shall
6 purge the names of all deceased persons from the master registration file. Each county auditor
7 shall certify to the secretary of state that the auditor has complied with this requirement.