

2022 South Dakota Legislature

Senate Bill 202**AMENDMENT 202A FOR THE INTRODUCED BILL**

1 **An Act to update maintenance requirements for voter registration files.**

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.** The county auditor shall maintain and safeguard a file of voters in
5 computer format that contains the information of each person registered in each voting
6 precinct within the county. This file shall be known as the master registration file and shall
7 be, at all times during office hours, open to public inspection. However, public access to
8 social security numbers, driver license numbers, and dates of birth contained in the master
9 registration file is prohibited. The master registration file ~~shall~~ must contain all information
10 from each voter's registration card. The master registration file ~~shall~~ must also include the
11 date of the last election the voter has voted in and when the voter's information was last
12 updated. The master registration file may also contain additional voter history information.
13 Any voter registration form for a purged or unregistered voter ~~shall~~ must be kept for
14 twenty-two months. No purged or unregistered voter may be included in the master
15 registration file. The master registration file must be updated twice each year, including
16 no less than sixty days prior to a general election.

17 **Section 2. That chapter 12-4 be amended with a NEW SECTION:**

18 If the county auditor has reason to believe that a person no longer resides at the
19 person's registered address, the auditor shall mail a notice to that person requesting
20 confirmation that the person still resides at the person's registered address. The county
21 auditor shall remove the person from the master registration file if the person fails to:
22 (1) Respond to the notice and vote in the registered precinct at least once during a
23 period of four consecutive years covering two general federal elections; or

1 (2) Update the voter's registration with the auditor and vote at least once during a
2 period of four consecutive years covering two general federal elections.

3 The secretary of state, pursuant to chapter 1-26 and in compliance with federal
4 law, shall prescribe by rule the means to remove a person from the master registration
5 list pursuant to this section and create the confirmation notice that is sent to a registered
6 voter before removal.

7 **Section 3. That § 12-4-37 be AMENDED:**

8 **12-4-37.** ~~The secretary of state shall~~ must establish a secure computerized system
9 for maintaining and utilizing the voter registration file and for transmitting voter
10 registration information from each county auditor to the Office of the Secretary of State.
11 Each county auditor ~~shall~~ must transmit any changes to the master registration file or the
12 absentee voter log to the secretary of state on a daily basis. The county auditor ~~shall~~ must
13 transmit updated information contained in the county voter registration system, including
14 voter registration information and voter election history information, to the Office of the
15 Secretary of State not later than July fifteenth after each primary election and December
16 fifteenth after each general election.

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

18 To maintain the accuracy of voter rolls, a statewide voter registration list database
19 shall be designed to communicate with other state record databases to allow frequent
20 exchanges and comparisons of information. The changing of information at one agency
21 shall result in changing the same information at all other agencies that hold such
22 information for the voter.

23 There shall be monthly comparisons of the statewide voter registration list with the
24 databases maintained by the Department of Motor Vehicles and the state welfare and
25 public assistance agencies, to locate information relevant to registration such as address
26 changes and citizenship status.

27 The residence address on all new voter registration forms must be compared with
28 county tax records to ensure that the address is confirmed as a residence and not a
29 commercial or industrial address, an undeveloped lot, or the address of property owned
30 by a local government, a state government, or the federal government that is not a
31 residence.

32 When a new registration is received, the entire voter registration list must be
33 checked against the information available from county tax records to verify how many

1 individuals are registered at that residence address to identify any anomalies.
2 Registrations of individuals registered at the same address but with only slight differences
3 in their names shall be verified to ensure that they do not represent multiple registrations
4 by the same individual. The county auditor must verify the form is filled out completely,
5 and the place of residence is not a commercial address.

6 List maintenance programs shall be required and funded for ongoing, continuous,
7 and comprehensive accuracy updates each year. Every year, reports of activity detailing
8 the extent and timing of maintenance programs shall be provided to the state legislature's
9 oversight committees.

10 At least quarterly, the Office of Secretary of State shall utilize the United States
11 Postal Service's National Change of Address (NCOA) system to identify voters who have
12 moved to ensure that they are not registered in more than one state. The registration of
13 any voter must be verified if any notice sent to such voter is returned by the United States
14 Postal Service as undeliverable or if election officials receive other information showing
15 that the voter has moved, died, or is otherwise ineligible to vote.

16 South Dakota shall cooperate with other states to compare voter lists to identify
17 individuals who are registered to vote in more than one state. Election officials must
18 determine the current residence of each such individual to verify his or her eligibility to
19 remain registered to vote in South Dakota.

20 State election officials shall be authorized to contract with commercial data
21 companies, including credit reporting agencies, to verify and audit information in voter
22 registration lists encompassing citizenship status and residence.
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