



2023 South Dakota Legislature

House Bill 1106

Introduced by: **Representative Mulally**

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 § 12-4-18 be AMENDED:**

4 **12-4-18.** The clerk of courts shall, within fifteen days after the close of each
 5 month, prepare ~~and deliver to the auditor~~ an abstract from the records of the names of
 6 persons declared mentally incompetent in the preceding month. ~~The notice clerk of courts~~
 7 ~~shall be sent~~ send the name to the county auditor of the county in which the person
 8 declared incompetent resides.

9 Within fifteen days after the close of each month, the county coroner shall prepare
 10 and deliver an abstract from the records of the names of persons declared deceased in
 11 the preceding month to the auditor of the county in which the decedent resided.

12 The county auditor shall remove from the master registration list ~~the~~
 13 (1) The names of persons identified as mentally incompetent in accordance with the
 14 information provided pursuant to this section; ~~and~~
 15 (2) The names of those sentenced to imprisonment in the federal penitentiary system;
 16 ~~and may remove~~
 17 (3) The names published in an obituary or identified as deceased by the county
 18 coroner, in accordance with the information provided pursuant to this section.

19 Voter registration records maintained in or transmitted to the statewide voter
 20 registration file ~~shall~~ must be matched with the death records maintained as vital statistics
 21 records by the Department of Health and the records of felony convictions maintained by
 22 the Unified Judicial System. Any voter identified as deceased or who is serving a sentence
 23 for a felony conviction ~~shall~~ must be removed from the voter registration records. The
 24 State Board of Elections may promulgate rules, pursuant to chapter 1-26, determining
 25 how voter registration records shall be matched.

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

1 **12-4-19.** ~~Any~~A county auditor shall send a nonforwardable, return-if-undeliverable
2 address verification request to any voter in the active registration file who has failed to
3 vote, has not updated the voter's registration information, and has not replied to a
4 confirmation mailing at least once during the last preceding ~~four consecutive years~~
5 ~~year~~shall be sent a nonforwardable return-if-undeliverable address verification request. If
6 the request is undeliverable, then the auditor shall send a confirmation mailing prescribed
7 by the State Board of Elections ~~shall be sent.~~ If ~~a county~~ the auditor has determined
8 through a national change of address licensee of the United States Postal Service that the
9 address of a voter who is to be sent an address verification request has changed, the
10 confirmation mailing may be omitted. This process ~~shall~~ must be performed by each
11 county auditor ~~from January first to November fifteenth, inclusive, of each odd-numbered~~
12 ~~year~~ six months prior to an election.

13 **Section 3. That § 12-4-19.4 be AMENDED:**

14 **12-4-19.4.** If a voter placed in the inactive registration file does not vote ~~by~~ in
15 the ~~second~~ general election following the confirmation mailing, the registration ~~shall~~ must
16 be canceled. This determination shall be made ~~between January first and November~~
17 ~~fifteenth of every odd-numbered year~~ within six months of the general election.

18 **Section 4. That § 12-4-19.6 be AMENDED:**

19 **12-4-19.6.** ~~The~~A county auditor shall send a national change of address notice
20 ~~shall be sent by~~ forwarding service requested to each voter in the active registration file
21 who has failed to vote, has not updated the voter's registration information, has not replied
22 to a confirmation mailing at least once during the last preceding ~~four consecutive years~~
23 year, and has had a national change of address within the jurisdiction with the United
24 States Post Office. This process ~~shall~~ must be performed by each county auditor ~~from~~
25 ~~January first to November fifteenth, inclusive, of each odd-numbered year~~ six months
26 prior to an election.