

2023 South Dakota Legislature

House Bill 1106**AMENDMENT 1106B
FOR THE INTRODUCED BILL**

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~~ The secretary of state shall match voter registration records maintained in
20 or transmitted to the statewide voter registration file ~~shall~~ must be matched with the death
21 records maintained as vital statistics records by the Department of Health, the social
22 security death index, the Social Security Administration master death file, and the records
23 of felony convictions maintained by the Unified Judicial System each month. Any voter
24 identified as deceased ~~or, as mentally incompetent, or~~ who is serving a sentence for a
25 felony conviction ~~shall~~ must be removed from the voter registration records. The State

1 Board of Elections may promulgate rules, pursuant to chapter 1-26, determining how voter
2 registration records shall be matched.

3

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

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

16

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

18 ~~12-4-19.4. If a voter placed in the inactive registration file does not vote by in the second~~
19 ~~general election following the confirmation mailing, the registration shall must be canceled.~~
20 ~~This determination shall be made between January first and November fifteenth of every~~
21 ~~odd-numbered year within six months of the general election.~~

22

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

24 ~~12-4-19.6. A county auditor shall send a national change of address notice shall be sent by~~
25 ~~forwarding service requested to each voter in the active registration file who has failed to~~
26 ~~vote, has not updated the voter's registration information, has not replied to a confirmation~~
27 ~~mailing at least once during the last preceding four consecutive years year, and has had a~~
28 ~~national change of address within the jurisdiction with the United States Post Office. This~~

- 1 ~~process shall must be performed by each county auditor from January first to November~~
- 2 ~~fifteenth, inclusive, of each odd-numbered year six months prior to an election.~~

AMENDMENT