# 2023 South Dakota Legislature

# Senate Bill 139

**SENATE STATE AFFAIRS ENGROSSED**

*Introduced by:* ***Senator*** *Deibert*

**An Act to revise residency requirements for the purposes of voter registration.**

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

**Section 1. That § 12-1-4 be AMENDED:**

**12-1-4.** For the purposes of this title, the term, residence, means the place in which a person ~~has fixed his or her habitation~~ is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode ~~and~~ to which the person~~,whenever absent, intends to return~~ returns after a period of absence.

A person who ~~has left home and gone~~ leaves the residence and goes into another county of this state or another state or territory ~~or county of this state~~ for a temporary purpose ~~only~~ has not changed ~~his or her~~ residence.

A person is considered to have gained ~~a~~ residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving.

A person retains residence in this state until another residence has been gained. If a person moves from this state to another state~~,~~ or ~~to any of the other territories,~~territory with the intention of making it ~~his or her~~ the person's permanent home, the person ~~thereby~~ loses residence in this state.

**Section 2. That § 12-3-1 be AMENDED:**

**12-3-1.** Every person ~~resident of~~ who, at the time of an election, maintains residence in this state ~~who shall be of the age of~~, will be eighteen years ~~and upwards~~ of age or older on or before the next election, is not otherwise disqualified, ~~who shall have complied~~ and complies with the ~~provisions of~~ law ~~relating to~~ regarding the registration of voters pursuant to chapter 12-4, ~~shall be entitled to~~may vote at any election in this state.

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

**12-4-1.** Every person ~~residing~~ who maintains residence, as provided in § 12-1-4, within the state for at least thirty days in the year prior to submitting the registration form, and who has the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such qualifications at the next ensuing municipal, primary, general, or school district election, ~~shall be~~ is entitled to be registered as a voter in the ~~voting precinct in which he resides~~ election precinct in which the person maintains residence.

A person eligible to vote may vote only in the election precinct where the person maintains residence.

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

The voter registration form must include a certification of voter eligibility by which the applicant attests, under the penalty of perjury, that the applicant:

(1) Is a citizen of the United States;

(2) Will be eighteen years or older on or before the next election;

(3) Has maintained residence at the address provided on the registration form for at least thirty days in the year prior to submitting the registration form;

(4) Has not been judged mentally incompetent;

(5) Is not currently serving a sentence for a felony conviction; and

(6) Authorizes the cancellation of a previous registration, if applicable.