

2023 South Dakota Legislature

Senate Bill 124**AMENDMENT 124A
FOR THE INTRODUCED BILL**

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

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

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

5 **12-4-9.** The county auditor shall maintain and safeguard a file of voters in
6 computer format that contains the information of each person registered in each voting
7 precinct within the county. This file shall be known as the master registration file ~~and shall~~
8 and must be, at all times during office hours, open to public inspection. However, public
9 access to social security numbers, driver license numbers, and dates of birth contained in
10 the ~~master registration~~ file is prohibited. The ~~master registration~~ file ~~shall contain~~ contains
11 all information from each voter's registration card. The ~~master registration~~ file ~~shall~~
12 also include includes the date of the last election in which the voter has voted ~~in~~ and when
13 the voter's information was last updated. The ~~master registration~~ file may also contain
14 additional voter history information. ~~Any~~ The county auditor shall maintain 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. Each
17 county auditor shall update the county's file twice each year, including no less than sixty
18 days before a general election.

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

20 Each county auditor shall compare the address listed or described on each new
21 voter registration application with county tax records to ensure that the address provided
22 in the voter registration application is confirmed as a residence and not a commercial or
23 industrial address, an undeveloped lot, or the address of **nonresidential** property owned
24 by a local government, state government, or the federal government. **For purposes of the**

1 address comparison required under this section, a residential address includes a
2 commercial address where an individual both works and resides on the property.

3 Each county auditor shall check the master registration file against the information
4 available from county tax records to verify the number of individuals, if any, who are
5 registered at the residence address listed or described on each voter registration
6 application to identify any anomalies.

7 Each county auditor shall verify the accuracy of a voter registration application for
8 an individual who lives at the same address of another registered individual with a similar
9 name to ensure that the individual registration application does not represent multiple
10 registrations by the same individual. The county auditor shall transmit any duplicate voter
11 registration information to the secretary of state.

12 **Section 3. That chapter 12-4 be amended with a NEW SECTION:**

13 If a county auditor has evidence that an individual no longer resides at the
14 individual's registered address, the auditor shall mail a notice to that individual requesting
15 confirmation that the individual still resides at the address. The county auditor shall
16 remove the individual from the master registration file if the individual fails to:

- 17 (1) Respond to the notice and vote in the registered precinct at least once during a
18 period of four consecutive years covering two general elections; or
19 (2) Update the voter's registration with the auditor and vote at least once during a
20 period of four consecutive years covering two general elections.

21 The secretary of state, pursuant to chapter 1-26, shall prescribe by rule the
22 procedures to remove a person from the master registration list pursuant to this section
23 and create the confirmation notice that is sent to a registered voter before removal.

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

25 **12-4-37.** The secretary of state shall establish a secure computerized system for
26 maintaining and utilizing the voter registration file and transmitting voter registration
27 information from each county auditor to the Office of the Secretary of State. Each county
28 auditor shall transmit any changes to the master registration file or the absentee voter
29 log to the secretary of state on a daily basis. The county auditor shall transmit updated
30 information contained in the county voter registration system, including voter registration
31 information and voter election history information, to the Office of the Secretary of State
32 not later than July fifteenth after each primary election and December fifteenth after each
33 general election.

1 **Section 5. That chapter 12-4 be amended with a NEW SECTION:**

2 By July 1, 2024, the secretary of state shall ensure that the statewide voter
3 registration file database is able to electronically communicate with other state agency
4 databases to allow exchanges and comparisons of information.

5 Upon completion of any necessary updates to the statewide voter registration file
6 database as required by this section, the secretary of state, in coordination with the
7 secretaries of the departments of human services, public safety, and social services, shall
8 make monthly comparison reports of the statewide voter registration file with the
9 databases maintained by the departments of human services, public safety, and social
10 services, to locate address-change information or information on citizenship status.

11 If a comparison report identifies a change of address for a registered voter or an
12 update to a registered voter's citizenship status information, the applicable departmental
13 secretary shall ensure that the secretary of state has the voter's name, address, date of
14 birth, and if available, the last four digits of the individual's Social Security number.

15 If the secretary of state is made aware under this section of an individual's change
16 of address or an update to an individual's citizenship information, the secretary of state
17 shall refer the information to the applicable county auditor. Upon receiving change of
18 address information for an individual pursuant to this section, a county auditor shall take
19 the address verification steps provided under section 3 of this Act. Upon receiving
20 information on a registered voter not being a citizen, the county auditor shall send notice
21 of that fact to the county's state's attorney.

22 At least quarterly, the secretary of state shall utilize the United States Postal
23 Service's National Change of Address system to identify any individual registered to vote
24 in South Dakota who has moved, to ensure the individual is not registered in more than
25 one state. The registration of any voter must be verified pursuant to section 3 of this Act,
26 if any notice sent to a registered voter is returned by the United States Postal Service as
27 undeliverable or if election officials receive other information showing that the voter has
28 moved, died, or is otherwise ineligible to vote.

29 **Section 6. That chapter 12-4 be amended with a NEW SECTION:**

30 The secretary of state is authorized to cooperate with any other state to compare
31 voter lists to identify individuals who are registered to vote in more than one state.

1 ~~The secretary of state and each county auditor is authorized to contract with~~
2 ~~commercial data companies, including credit reporting agencies, to verify and audit~~
3 ~~information in voter registration lists, including citizenship status and residence.~~

AMENDMENT