

## 2023 South Dakota Legislature

**Senate Bill 123****AMENDMENT 123B  
FOR THE INTRODUCED BILL**

1 **An Act to require certain reviews and updating of voter registration records and**  
2 **data sharing.**

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

4 **Section 1. That § 12-4-18 be AMENDED:**

5 **12-4-18.** ~~The~~A clerk of courts shall, within fifteen days after the close of each  
6 month, prepare and deliver to the auditor an abstract from the records a list of the names  
7 of ~~persons~~individuals declared mentally incompetent by the court in the preceding month.  
8 ~~The notice shall be sent~~ clerk of courts shall provide, on a monthly basis, the name of  
9 each individual declared mentally incompetent to the county auditor of the county in which  
10 ~~the person~~the individual declared incompetent resides.

11 Each county coroner shall prepare a list of the names of individuals that the county  
12 coroner has declared deceased over the course of a month. The county coroner shall,  
13 within five days after the end of each month, provide the name of each individual declared  
14 deceased to the county auditor and the register of deeds of the county in which the  
15 individual resided immediately preceding the individual's death.

16 On a monthly basis, the secretary of state shall determine if any individual included  
17 in the statewide voter registration file is also listed on the Social Security Death Index, ~~or~~  
18 the Social Security Administration's Master Death File, ~~or included in an independent audit~~  
19 ~~of the statewide voter registration file by a private entity that identifies deceased~~  
20 ~~individuals as part of its business purpose. The secretary of state may only use a privately~~  
21 ~~conducted independent audit of the statewide voter registration system for a monthly~~  
22 ~~comparison if that audit was conducted in the one month immediately preceding the~~  
23 ~~monthly comparison.~~ The secretary of state shall, on a monthly basis, provide the name  
24 of each individual identified as deceased to the county auditor of the county in which the  
25 individual resided immediately preceding the individual's death.

1           ~~The~~Each county auditor shall remove from the county's master registration list  
2 the file:

3       ~~(1) The names of persons~~name of each individual identified as mentally incompetent,  
4           in accordance with the information provided pursuant to this section; ~~and~~

5       ~~(2) The names of those~~name of each individual sentenced to imprisonment in the  
6           federal penitentiary system ~~and may remove names published in an obituary; and~~

7       ~~(3) The name of each deceased individual, in accordance with the information provided~~  
8           pursuant to this section.

9           ~~Voter~~The secretary of state shall, on a monthly basis, match voter registration  
10          records maintained in or transmitted to the statewide voter registration file ~~shall be~~  
11          ~~matched~~ with the death records maintained as vital statistics records by the Department  
12          of Health and the records of felony convictions maintained by the Unified Judicial System.

13          ~~Any~~The secretary of state shall remove any voter identified as deceased under this  
14          section or who is serving a sentence for a felony conviction shall be removed from the  
15          voter registration records.

16          The secretary of state shall, on a monthly basis, prepare a list of individuals, by  
17          county, who were removed from the statewide voter registration file. After completion of  
18          the list, the secretary of state shall provide each county-specific list to the applicable  
19          county auditor.

20          The State Board of Elections may promulgate rules, pursuant to chapter 1-26,  
21          determining how voter registration records shall be matched under this section.

22       **Section 2. That chapter 16-13 be amended with a NEW SECTION:**

23          Each clerk of court shall forward, to the appropriate election official in the clerk of  
24          courts' county, information on any individual called for jury duty who is excused from jury  
25          duty because the individual has moved, has been convicted of a felony, is deceased, or is  
26          not a United State citizen. Upon receipt of such information, the election official receiving  
27          the information shall investigate to determine if the reported individual is listed in the  
28          county's master registration file and whether the individual is eligible to be registered as  
29          a voter.