2023 South Dakota Legislature

Senate Bill 139

AMENDMENT 139H
FOR THE SENATE ENGROSSED BILL

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 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~~ in South Dakota for at least thirty days 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.

AMENDMENT