



2023 South Dakota Legislature

Senate Bill 139

HOUSE ENGROSSED

Introduced by: **Senator Deibert**

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

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

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

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

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

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

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

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

19 **12-3-1.** Every person ~~resident of~~ who, at the time of an election, maintains
20 residence in this state ~~who shall be of the age of,~~ will be eighteen years ~~and upwards of~~
21 age or older on or before the next election, ~~is not otherwise disqualified,~~ ~~who shall have~~
22 complied and complies with the ~~provisions of law relating to~~ regarding the registration of
23 voters pursuant to chapter 12-4, ~~shall be entitled to~~ may vote at any election in this state.

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

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

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

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

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

- 12 (1) Is a citizen of the United States;
13 (2) Will be eighteen years or older on or before the next election;
14 (3) Has maintained residence in South Dakota for at least thirty days prior to
15 submitting the registration form;
16 (4) Has not been judged mentally incompetent;
17 (5) Is not currently serving a sentence for a felony conviction; and
18 (6) Authorizes the cancellation of a previous registration, if applicable.