2023 South Dakota Legislature

Senate Bill 139

ENROLLED

AN ACT

ENTITLED 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 is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode to which the person returns after a period of absence.

A person who leaves the residence and goes into another county of this state or another state or territory for a temporary purpose has not changed residence.

A person is considered to have gained 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 territory with the intention of making it the person's permanent home, the person loses residence in this state.

Section 2. That § 12-3-1 be AMENDED:

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

Section 3. That § 12-4-1 be AMENDED:

12-4-1. Every person 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, is entitled to be registered as a voter in the 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 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.

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

I certify that the attached Act originated in the:

Senate as Bill No. 139

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Received at this Executive Office
this _____ day of _____,

2023 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2023

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 2023
at _____ o'clock __M.

_____
Secretary of State

By _____
Asst. Secretary of State

Senate Bill No. 139
File No. _____
Chapter No. _____