

2024 South Dakota Legislature

Senate Bill 17**AMENDMENT 17D
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to modify the residency requirements for voter registration and declare an**
2 **emergency.**

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

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

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

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

11 A person is considered to have gained 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. However, a person is considered to have gained residency in any county or
14 municipality of this state in which the person actually lives if the person's most recent
15 federal tax return is filed using that location as a home address.

16 A person retains residence in this state until another residence has been gained. If
17 a person moves from this state to another state or territory with the intention of making
18 it the person's permanent home, the person loses residence in this state.

19 **Section 2. That § 12-4-1 be AMENDED:**

20 **12-4-1.** A person who maintains residence, as provided in § 12-1-4, within the
21 state ~~for at least thirty days prior to submitting the registration form,~~ and who has the
22 qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such
23 qualifications at the next ensuing municipal, primary, general, county, or school district
24 election, is entitled to be registered as a voter in the election precinct in which the person
25 maintains residence.

1 A person eligible to vote may vote only in the election precinct where the person
2 maintains residence.

3 **Section 3. That § 12-4-1.2 be AMENDED:**

4 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
5 by which the applicant attests, under the penalty of perjury, that the applicant:

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

13 **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,
14 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
15 and effect from and after its passage and approval.