

2024 South Dakota Legislature

Senate Bill 17**AMENDMENT 17G
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.

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 territory with the intention of making
16 it the person's permanent home, the person loses residence in this state.

17 **Section 2. That a NEW SECTION be added to chapter 12-1:**

18 For the purposes of this title, the term "virtual resident" means a person with a
19 South Dakota mailing address who cannot provide proof of residency because the person
20 lacks a permanent domicile in a habitable structure.

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

22 **12-4-1.** A person who maintains residence, as provided in § 12-1-4, within the
23 state ~~for at least thirty days prior to submitting the registration form,~~ and who has the
24 qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such

1 qualifications at the next ensuing municipal, primary, general, county, or school district
2 election, is entitled to be registered as a voter in the election precinct in which the person
3 maintains residence.

4 A person eligible to vote may vote only in the election precinct where the person
5 maintains residence.

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

7 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
8 by which the applicant attests, under the penalty of perjury, that the applicant:

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

16 **Section 5. That a NEW SECTION be added to chapter 12-4:**

17 A virtual resident may register to vote if the virtual resident provides proof that
18 the virtual resident is a citizen of the United States and signs an affidavit stating that the
19 virtual resident is not registered to vote in any other state. The affidavit must be similar
20 to the affidavit used to process a provisional ballot.

21 A virtual resident may only vote for the offices of President and Vice President,
22 United States Senate, United States House of Representatives, and all statewide
23 constitutional officers. A virtual resident may not vote in an election for a legislative seat,
24 a ballot question, as defined in § 12-27-1, or an office or bond issue of a political
25 subdivision.

26 **Section 6.** Whereas, this Act is necessary for the immediate preservation of the public peace,
27 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
28 and effect from and after its passage and approval.