



2024 South Dakota Legislature

Senate Bill 119

SENATE ENGROSSED

Introduced by: **Senator Bordeaux**

1 **An Act to permit the use of tribal identification cards when registering to vote.**

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

3 **Section 1. That a NEW SECTION be added to chapter 12-4:**

4 At the request of a federally recognized Indian tribe located wholly or partially
 5 within the state, the secretary of state shall inform the tribe of the criteria needed to enter
 6 into a memorandum of understanding to allow a tribal identification card number to be
 7 used on the application for voter registration.

8 **Section 2. That § 12-4-5.4 be AMENDED:**

9 **12-4-5.4.** Any person registering to vote shall provide the person's valid South
 10 Dakota driver license number, a tribal identification card, if the tribe issuing the card has
 11 entered into a memorandum of understanding with the secretary of state pursuant to
 12 section 1 of this Act, or a South Dakota nondriver identification number on the voter
 13 registration form. If a person does not have a valid South Dakota driver license, a tribal
 14 identification card, or a South Dakota nondriver identification number, the person ~~shall~~
 15 must provide the last four digits of the person's social security number on the voter
 16 registration form. If a person does not have a valid South Dakota driver license, a tribal
 17 identification card, a South Dakota nondriver identification number, or a social security
 18 number, the person may only register at the county auditor's office and ~~shall~~ must sign a
 19 statement verifying ~~the fact~~ that the person does not have a valid South Dakota driver
 20 license, a tribal identification card, a South Dakota nondriver identification number, or a
 21 social security number. The statement ~~shall~~ must be prescribed by the State Board of
 22 Elections.

23 For purposes of this section and § 12-4-5.5, the term "tribal identification card"
 24 means an unexpired identification card issued by a South Dakota tribal government of a
 25 tribe recognized by the Bureau of Indian Affairs during the time a memorandum of

1 understanding is in place between the tribe and the secretary of state pursuant to section
2 1 of this Act, and that contains the legal name, date of birth, signature, and picture of the
3 enrolled tribal member.

4 **Section 3. That § 12-4-5.5 be AMENDED:**

5 **12-4-5.5.** At the time voter registration information is transmitted from a county
6 to the statewide voter registration file, the secretary of state shall verify the authenticity
7 of ~~the~~a driver license number or ~~the~~a South Dakota nondriver identification number with
8 the driver license database. The secretary of state shall verify the authenticity of a tribal
9 identification card with the tribal government that issued the card. If the last four digits
10 of the person's social security number have been provided, the secretary of state shall
11 review the social security database to determine that the number, name, and date of birth
12 are accurate and that this information belongs to the person. If any of this information is
13 reported as not being accurate, the county auditor must withdraw the voter registration
14 and attempt to get the correct information with the process provided in § 12-4-5.3. The
15 State Board of Elections shall promulgate rules, pursuant to chapter 1-26, determining
16 technical parameters for the driver license and social security database verification and
17 the process for verifying the authenticity of a tribal identification card.

18 **Section 4.** This Act is effective beginning January 1, 2025.