



2025 South Dakota Legislature

House Bill 1066

Introduced by: **Representative Kayser**

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,~~ "residence" means the
5 place in which a person is domiciled as shown by an actual fixed permanent dwelling,
6 establishment, or any other abode in which an individual lives and usually sleeps and
7 which the ~~person~~ individual returns after a period of absence. An individual may have only
8 one place of residence.

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

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

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

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

19 Notwithstanding § 12-1-4, an individual maintains residence in this state if the
20 individual has established residence in this state and then:

21 (1) Is absent from this state due to business of the United States or of this state and
22 intends to return to the individual's residence upon the completion of the business;

23 (2) Is on active duty as a member of the South Dakota National Guard or armed forces
24 of the United States and intends to return to the individual's residence upon the
25 completion of active duty;

- 1 (3) Is the spouse of an individual who is absent from this state due to business of the
 2 United States or this state, or is on active duty as a member of the South Dakota
 3 National Guard or armed forces of the United States;
- 4 (4) Is absent from this state due to the individual's employment or volunteer work and
 5 intends to return to the individual's residence in this state upon completion of the
 6 employment or volunteer work;
- 7 (5) Is a family member accompanying an individual who:
- 8 (a) Is absent from this state due to the individual's employment or volunteer
 9 work; and
- 10 (b) Intends to return to the individual's residence in this state upon completion
 11 of the employment or volunteer work;
- 12 (6) Is a full-time postsecondary education student who resided in this state
 13 immediately prior to leaving for postsecondary education;
- 14 (7) Is enlisted as a member of the armed forces of the United States and is
 15 continuously stationed in this state;
- 16 (8) Is the spouse of an individual who is enlisted as a member of the armed forces of
 17 the United States and is continuously stationed in this state;
- 18 (9) Is a patient in any veterans' hospital or nursing home located within this state;
- 19 (10) Is an employee of the veterans' administration or any veterans' hospital in this
 20 state; or
- 21 (11) Resides on a restricted military reservation located in this state.
- 22 If an individual's residence is destroyed or rendered uninhabitable by fire or natural
 23 disaster, the individual maintains residence in this state if the individual intends to return
 24 to the residence as soon as the residence is made habitable.

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

- 26 An individual loses residence in this state if the individual:
- 27 (1) Applies for, purchases, or accepts a resident hunting, fishing, or trapping license
 28 issued by another state, territory, or country;
- 29 (2) Registers to vote in another state, territory, or country;
- 30 (3) Accepts a driver license issued by another state, territory, or country;
- 31 (4) Moves to another state, territory, or country and:
- 32 (a) Intends to establish the individual's domicile in that state, territory, or
 33 country; or

1 Documentation showing the individual's mailing address, ownership of a property
2 or business in this state, or employment in this state is not sufficient by itself to
3 demonstrate that the individual maintains residence in this state, as provided in § 12-1-4
4 and section 2 of this Act. If an individual is challenged as to whether the individual resides
5 in this state, pursuant to § 12-18-10, the individual must present a valid South Dakota
6 driver license or nondriver identification card showing the name, photograph, and
7 signature of the individual and:

8 (1) A bill, account, or start-of-service statement for a utility, service, bank account, or
9 credit card, which shows the name and South Dakota address of the individual,
10 due or dated within thirty days of the election; or

11 (2) A lease agreement for a residential property, valid through election day, which
12 shows the name and South Dakota address of the individual.