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

12-1-4. For the purposes of this title, the term, residence, "residence" means the place in which a person is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode in which an individual lives and usually sleeps and to which the person individual returns after a period of absence. An individual may have only one place of residence.

A person-An individual 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 An individual is considered to have gained residence in any county or municipality of this state in which the <u>person</u> individual actually lives, if the <u>person</u> individual has no present intention of leaving.

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

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

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

- (1) Is absent from this state due to business of the United States or of this state and intends to return to the individual's residence upon the completion of the business;
- (2) Is on active duty as a member of the South Dakota National Guard or armed forces of the United States and intends to return to the individual's residence upon the completion of active duty;

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(3) Is the spouse of an individual who is absent from this state due to business of the

2		<u>United States or this state, or is on active duty as a member of the South Dakota</u>						
3		National Guard or armed forces of the United States;						
4	<u>(4)</u>	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	<u>(5)</u>	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	<u>(6)</u>	Is a full-time postsecondary education student who resided in this state						
13		immediately prior to leaving for postsecondary education;						
14	<u>(7)</u>	Is enlisted as a member of the armed forces of the United States and is						
15		continuously stationed in this state;						
16	<u>(8)</u>	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	<u>(9)</u>	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	<u>disast</u>	er, 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	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	<u>(2)</u>	Registers to vote in another state, territory, or country;						
30	<u>(3)</u>	Accepts a driver license issued by another state, territory, or country;						
31	<u>(4)</u>	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		<u>(b)</u>	Makes	any	claim	of	residency	for	any	purpose	in	the	state	tei	rritory	<u>, or</u>
2			country	<u>/; or</u>												
3	<u>(5)</u>	Reside	s in any	y oth	ner sta	te,	territory,	or c	ounti	ry for an	ac	grec	ate o	f at	least	one

(5) Resides in any other state, territory, or country for an aggregate of at least one hundred eighty days in a calendar year, provided that the individual is not residing in the other state, territory, or country for a purpose listed in section 2 of this Act.

Section 4. That § 12-4-1 be AMENDED:

12-4-1. A person–Except as provided in section 3 of this Act, an individual who maintains residence, as provided in pursuant to § 12-1-4 and section 2 of this Act, within the state for at least thirty consecutive days immediately prior to submitting the registration form, and who has or will have 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 An individual eligible to vote may vote only in the election precinct where the person maintains residence.

Section 5. That § 12-18-10 be AMENDED:

- **12-18-10.** If a person an individual makes an application for ballots a ballot, or if an absentee ballot has been cast, the person's individual's right to vote at that poll and election may be challenged only as to the person's identity as the person registered whom the person claims to be or on grounds that within whether the individual:
- (1) Is actually the individual registered to vote;
- (2) Within fifteen days preceding the election—the person, has been convicted of a felony—or declared by proper authority;
 - (3) Was declared to be mentally incompetent by a proper authority; or
 - (4) Resides in this state, as provided in § 12-1-4 and sections 2 and 3 of this Act.

The proceedings—shall to challenge an individual's right to vote must be conducted before the precinct superintendent and precinct deputies, who shall determine from the evidence presented whether—or not the person_the individual is permitted to vote—and the.

The members of the precinct election board shall indicate beside the individual's name on the registration list the ground stated and the result of the precinct election board's decision.

Section 6. That a NEW SECTION be added to chapter 12-18:

- due or dated within thirty days of the election; or
- (2) A lease agreement for a residential property, valid through election day, which shows the name and South Dakota address of the individual.