



## 2025 South Dakota Legislature

# House Bill 1066

HOUSE STATE AFFAIRS ENGROSSED

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; or
- 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                   (b) Makes any claim of residency for any purpose in the state, territory, or  
2   country.

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

4                   **12-4-1.** ~~A person~~ Except as provided in section 3 of this Act, an individual who  
5 maintains residence, ~~as provided in pursuant to § 12-1-4 and section 2 of this Act,~~ within  
6 the state for at least thirty consecutive days immediately prior to submitting the  
7 registration form, and who has or will have the qualifications of a voter prescribed by § 12-  
8 3-1 or 12-3-1.1, ~~or who will have such qualifications~~ at the next ensuing municipal,  
9 primary, general, or school district election, is entitled to be registered as a voter in the  
10 election precinct in which the person maintains residence.

11                   ~~A person~~ An individual eligible to vote may vote only in the election precinct where  
12 the person maintains residence.

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

14                   **12-18-10.** ~~If a person~~ an individual makes an application for ~~ballots~~ a ballot, or if  
15 an absentee ballot has been cast, the ~~person's~~ individual's right to vote at that poll and  
16 election may be challenged only as to ~~the person's identity as the person registered whom~~  
17 ~~the person claims to be or on grounds that within~~ whether the individual:

- 18                   (1) Is actually the individual registered to vote;  
19                   (2) Within fifteen days preceding the election ~~the person,~~ has been convicted of a  
20                   felony ~~or declared by proper authority;~~  
21                   (3) Was declared to be mentally incompetent by a proper authority; or  
22                   (4) Resides in this state, as provided in § 12-1-4 and sections 2 and 3 of this Act.

23                   The proceedings ~~shall~~ to challenge an individual's right to vote must be conducted  
24 before the precinct superintendent and precinct deputies, who shall determine from the  
25 evidence presented ~~whether or not the person~~ the individual is permitted to vote ~~and the,~~  
26 The members of the precinct election board shall indicate beside the individual's name on  
27 the registration list the ground stated and the result of the precinct election board's  
28 decision.