

2025 South Dakota Legislature

Senate Bill 48**AMENDMENT 48C
FOR THE INTRODUCED BILL**

1 **An Act to modify provisions pertaining to the registration of voters.**

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, means the place in~~
5 ~~which a person is domiciled as shown by an actual fixed permanent dwelling,~~
6 ~~establishment, or any other abode to which the person returns after a period of absence.~~

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

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

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

15 For the purposes of this title, "resident" means an individual who:

16 (1) Has a physical presence in this state; and

17 (2) Intends to remain in this state for at least thirty days ~~before the election.~~

18 An individual who is a resident of this state remains a resident during an absence
19 from this state if the individual intends to return to this state following the absence. An
20 individual who is a full-time postsecondary education student or is on active duty as a
21 member of the armed forces and was a resident of this state immediately prior to leaving
22 for the postsecondary education or active duty remains a resident of this state.

23 An individual is a resident of the county or municipality of this state where the
24 person has a physical presence, if the individual has no present intention of leaving. An
25 individual who is a resident of a county or municipality of this state remains a resident of

1 the county or municipality during an absence from the county or municipality if the
 2 individual intends to return to the county or municipality following the absence.

3 An individual may only be a resident of one place. An individual who is a resident
 4 of this state remains a resident until the individual becomes a resident of another state or
 5 territory. If an individual moves from this state to another state or territory with the
 6 intention of becoming a resident of that state or territory, the individual is no longer a
 7 resident of this state.

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

9 An individual who does not live at a fixed, permanent, or private structure may
 10 register as a voter if the individual has the qualifications of a voter prescribed in § 12-3-
 11 1 or 12-3-1.1 and lists on the voter registration form the address for one of the following
 12 locations in this state:

- 13 (1) A homeless shelter to which the individual regularly returns;
 14 (2) The place at which the individual is a resident;
 15 (3) The courthouse of the county in which the individual is a resident; ~~or~~
 16 (4) A general delivery address for a post office covering the location where the
 17 individual is a resident; ~~;~~ or
 18 (5) ~~An address with a commercial mail receiving agency.~~

19 An individual who is otherwise qualified to register as a voter may not be refused
 20 registration or declared unqualified to vote because the individual does not live in a fixed,
 21 permanent, or private structure.

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

23 ~~12-4-1. A person who maintains residence, as provided in § 12-1-4, within the~~
 24 ~~state for at least thirty days prior to submitting the registration form, and who has~~ An
 25 individual who is or will be a resident of this state and has or will have the qualifications
 26 of a voter prescribed by § 12-3-1 or 12-3-1.1, ~~or who will have such qualifications at the~~
 27 next ensuing municipal, county, primary, general, or school district election, is entitled to
 28 be registered as a voter in the election precinct ~~in which the person maintains residence~~
 29 where the individual is a resident.

30 ~~A person~~ An individual who is eligible to vote may vote only in the election precinct
 31 where the ~~person maintains residence~~ individual is a resident.

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

1 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
2 by which the applicant attests, under the penalty of perjury, that the applicant:

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

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

13 Any individual who applies to register as a voter must provide documentation
14 demonstrating that the individual is a citizen of the United States. The county auditor must
15 reject any application that does not include the documentation. An individual may provide:

- 16 (1) The number of the individual's driver license or nondriver identification card,
17 provided that:
18 (a) The driver license or nondriver identification card was issued by this state
19 or another state or territory of the United States after September 30, 1996;
20 and
21 (b) The driver license or nondriver identification card indicates that the
22 individual has provided documentation demonstrating that the individual is
23 a citizen of the United States;
24 (2) A legible photocopy of the individual's birth certificate;
25 (3) A legible photocopy of the pages of the individual's United States passport that
26 show the individual's:
27 (a) Name;
28 (b) Photograph; and
29 (c) Passport number;
30 (4) A legible photocopy of the individual's United States naturalization documents;
31 ~~(5) The number of the individual's certificate of naturalization;~~
32 ~~(6) Any other document or method of proof of citizenship that has been established~~
33 ~~pursuant to the Immigration Reform and Control Act of 1986, 8 U.S.C. §§ 1101 et~~
34 ~~seq. (January 1, 2025); or~~

1 ~~(7)~~(6) The individual's Bureau of Indian Affairs card number, tribal treaty card number,
2 tribal identification card number, or tribal enrollment number.

3 ~~An individual who provides only the number of the individual's certificate of~~
4 ~~naturalization may not be included in the voter registration file until the county auditor~~
5 ~~verifies the number on the certificate of naturalization with the United States Citizenship~~
6 ~~and Immigration Services. The county auditor shall inform the individual applying to~~
7 ~~register as a voter that the documentation provided by the individual is retained as a part~~
8 ~~of the individual's permanent voter file.~~

9 An individual who is registered to vote prior to July 1, 2025, is deemed to have
10 provided satisfactory evidence of citizenship, and is not required to submit documentation
11 demonstrating citizenship. An individual who changes the individual's address pursuant to
12 § 12-4-15 is not required to submit documentation demonstrating citizenship. An
13 application that was received from a location that provides driver licenses does not need
14 to include the documentation required by this section if the individual's citizenship status
15 was established when the individual obtained the South Dakota driver license or South
16 Dakota nondriver identification card.

17 Proof of voter registration in another state or territory is not sufficient to
18 demonstrate that an individual is a citizen of the United States.

19 **Section 6. That a NEW SECTION be added to chapter 12-4:**

20 An individual who has moved to another state or territory with the intention of
21 becoming a resident of that state or territory may vote in a presidential election held in
22 this state if:

23 (1) The individual was registered as a voter in a precinct in this state; and

24 (2) The individual has begun residing in the other state or territory with insufficient
25 time to meet the requirements to register as a voter of that state or territory.

26 Any individual who is eligible to vote pursuant to this section may only vote in a
27 presidential election and may not vote for any other office or ballot question on the ballot
28 at the election. An individual who is eligible to vote pursuant to this section must indicate
29 when applying for an absentee ballot that the individual is eligible to vote in only the
30 presidential election.

31 The county auditor shall prepare a ballot that lists only the names of the candidates
32 for President and Vice President of the United States certified by the secretary of state,
33 pursuant to § 12-8-8, and the names of the presidential electors designated for each
34 candidate. The county auditor shall send the ballot to any individual who indicates on the

1 application for an absentee ballot that the individual is eligible to vote in only the
2 presidential election.

3 Upon the completion of the election, the county auditor shall promptly cancel the
4 voter registration of any individual who casts a vote pursuant to this section.

5 **Section 7. That § 12-4-5 be AMENDED:**

6 **12-4-5.** The county auditor shall enter in the master registration file the name of
7 each eligible person whose completed application for registration and mail registration
8 card is received no later than ~~5:00~~ five p.m. local time at least ~~fifteen~~ thirty days preceding
9 the election by the county auditor or the local, state, or federal agency responsible for
10 conducting voter registration under this chapter. A voter registration completed at any
11 local, state, or federal agency during any week commencing on Tuesday through the
12 following Monday ~~shall~~ must be sent to the appropriate county auditor by the agency
13 receiving the registration or mail registration card no later than the following Wednesday.

14 The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for
15 the alternative transmission of voter registration information by computer from the agency
16 to the secretary of state.

17 The name of any voter who has registered to vote by ~~5:00~~ five p.m. local time
18 ~~fifteen~~ thirty days preceding a runoff election ~~shall~~ must be added to the file used for the
19 runoff election.

20 **Section 8. That § 12-4-5.3 be AMENDED:**

21 **12-4-5.3.** When a voter registration application is received by the county auditor,
22 the county auditor or an individual designated by the county auditor ~~shall~~ must review the
23 application for eligibility and completeness. If the applicant is not eligible to be registered
24 or if sufficient information to complete the registration card cannot be obtained from the
25 applicant, the county auditor must send an acknowledgment notice by nonforwardable
26 mail to the applicant indicating the reason the registration was not filed. The
27 acknowledgment notice must state that the applicant ~~needs to~~ must submit the corrected
28 information to the county auditor within thirty days or the voter registration form may not
29 be processed.

30 If the county auditor is unable to obtain sufficient information to complete the
31 applicant's card from the voter registration application that was submitted between thirty
32 and sixty days before the election, the acknowledgement notice must state that the

1 applicant has until the day fifteen days before the date of the election to submit the
 2 corrected information to the county auditor.

3 The county auditor shall send an acknowledgment notice by nonforwardable mail
 4 to the applicant whose registration is accepted.

5 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
 6 prescribing the form of the acknowledgement notice. The same confirmation mailing
 7 required by § 12-4-19 must be sent immediately to any person whose registration
 8 acknowledgment notice is returned undeliverable. A notice sent pursuant to this section
 9 must be mailed within five business days of the auditor receiving the voter registration
 10 application.

11 **Section 9. That § 12-4-6.1 be AMENDED:**

12 ~~12-4-6.1. A voter's registration shall be considered to be~~ is effective on the
 13 ~~date which that~~ the card is received by the county auditor. ~~However, if the card~~ If an
 14 application was completed at one of the agencies listed in § 12-4-2, ~~is received by the~~
 15 ~~auditor within five days following any registration deadline and is dated by the deadline,~~
 16 ~~the card shall be considered to be~~ the voter's registration is effective on the date ~~which it~~
 17 that the application was signed at the agency, if the application is:

- 18 (1) Received by the auditor within five days following a voter registration deadline;
 19 and
 20 (2) Dated by the voter registration deadline.

21 ~~If a card~~ an application does not contain all of the information required by the form
 22 prescribed pursuant to § 12-4-6 or if the ~~card~~ application contains information ~~which that~~
 23 is not correct, ~~it shall be considered to be~~ the voter's registration is effective on the date
 24 all of the correct, required information is supplied to the county auditor in accordance with
 25 § 12-4-5.3.

26
 27 **Section 10. That § 12-4-9 be AMENDED:**

28 **12-4-9.** The county auditor shall maintain and safeguard a ~~file of voters in~~
 29 ~~computer format that contains the information of each person registered in each voting~~
 30 ~~precinct within the county. This file shall be known as the master registration file and shall~~
 31 ~~be, at all times during office hours, open to public inspection. However, public access to~~
 32 ~~social security numbers, driver license numbers, and dates of birth contained in the master~~
 33 ~~registration file is prohibited. The master registration file shall contain all information from~~

1 each voter's registration card. The master registration file shall also include the date of
2 the last election the voter has voted in and when the voter's information was last updated.
3 The master registration file may also contain additional voter history information. Any
4 digital master registration file that contains:

- 5 (1) The information from the voter registration card of each individual registered to
6 vote in the county;
- 7 (2) The documentation presented by each individual, pursuant to section 5 of this Act,
8 to demonstrate that the individual is a citizen of the United States;
- 9 (3) The date on which the individual's voter information was last updated; and
- 10 (4) Additional voter history information.

11 The master registration file must be open to public inspection. An individual's social
12 security number, driver license number, South Dakota nondriver identification number,
13 date of birth, or any documentation provided to demonstrate citizenship is not open to
14 public inspection.

15 The county auditor shall keep any voter registration form for a purged or
16 unregistered voter ~~shall be kept~~ for twenty-two months. No purged or unregistered voter
17 may be included in the master registration file.

18 **~~Section 11. That § 12-4-12 be AMENDED:~~**

19 ~~**12-4-12.** Any new registrant previously registered elsewhere shall be required to sign an~~
20 ~~authorization which shall be forwarded by the registration official to the auditor of the county~~
21 ~~of former registration, or other appropriate registration official, who shall remove the~~
22 ~~registrant's name from the registration file. If an individual applying to register as a voter was~~
23 ~~previously registered as a voter in another precinct, the individual must sign a statement~~
24 ~~authorizing the appropriate registration official having jurisdiction over the precinct where the~~
25 ~~individual was previously registered to remove the individual from the voter registration file~~
26 ~~of that jurisdiction. Upon receipt of the completed voter registration application, the county~~
27 ~~auditor shall forward a copy of the statement to the registration official.~~