

## 2025 South Dakota Legislature

**House Bill 1066****AMENDMENT 1066G  
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

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" "resident"  
5 means ~~the~~ place in which a person is domiciled as shown by an individual who maintains  
6 an actual fixed permanent dwelling, establishment, or any other abode ~~in which an where~~  
7 the individual lives and usually sleeps and to which the person individual returns for at  
8 least thirty consecutive days. An individual who is a resident of this state remains a  
9 resident during an absence from this state, if the individual intends to return to this state  
10 after a period of absence. An individual may have only one place of residence.

11 ~~A person~~ An individual who leaves the residence and If an individual who is a  
12 resident of a county of this state, goes into another county of this state or another state  
13 or territory for a temporary purpose ~~has not changed residence,~~ the individual remains a  
14 resident of the county.

15 ~~A person~~ An individual is considered to ~~have gained residence in any~~ be a resident  
16 of the county or municipality of this state in which the ~~person~~ individual actually lives, if  
17 the ~~person~~ individual has no present intention of leaving.

18 ~~A person~~ An individual ~~retains residence in~~ remains a resident of this state until  
19 ~~another residence has been gained~~ the individual becomes a resident of another state. If  
20 ~~a person~~ an individual moves from this state to another state or territory with the intention  
21 of ~~making it the person's individual's permanent home,~~ the person of becoming a resident  
22 of that state or territory for any purpose, the individual ~~loses residence in~~ is no longer a  
23 resident this state.

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

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

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

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

8 ~~(3) Is the spouse of an individual who is absent from this state due to business of the United~~  
9 ~~States or this state, or is on active duty as a member of the South Dakota National Guard or~~  
10 ~~armed forces of the United States;~~

11 ~~(4) Is absent from this state due to the individual's employment or volunteer work and intends~~  
12 ~~to return to the individual's residence in this state upon completion of the employment or~~  
13 ~~volunteer work;~~

14 ~~(5) Is a family member accompanying an individual who:~~

15 ~~(a) Is absent from this state due to the individual's employment or volunteer work; and~~

16 ~~(b) Intends to return to the individual's residence in this state upon completion of the~~  
17 ~~employment or volunteer work;~~

18 ~~(6) Is a full-time postsecondary education student who resided in this state immediately prior~~  
19 ~~to leaving for postsecondary education;~~

20 ~~(7) Is enlisted as a member of the armed forces of the United States and is continuously~~  
21 ~~stationed in this state;~~

22 ~~(8) Is the spouse of an individual who is enlisted as a member of the armed forces of the~~  
23 ~~United States and is continuously stationed in this state;~~

24 ~~(9) Is a patient in any veterans' hospital or nursing home located within this state;~~

25 ~~(10) \_\_\_\_\_ Is an employee of the veterans' administration or any veterans' hospital~~  
26 ~~in this state; or~~

27 ~~(11) \_\_\_\_\_ Resides on a restricted military reservation located in this state.~~

1 ~~If an individual's residence is destroyed or rendered uninhabitable by fire or natural disaster,~~  
 2 ~~the individual maintains residence in this state if the individual intends to return to the~~  
 3 ~~residence as soon as the residence is made habitable.~~

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

5 ~~An individual loses residence in this state if the individual:~~

6 ~~(1) Applies for, purchases, or accepts a resident hunting, fishing, or trapping license issued~~  
 7 ~~by another state, territory, or country;~~

8 ~~(2) Registers to vote in another state, territory, or country;~~

9 ~~(3) Accepts a driver license issued by another state, territory, or country; or~~

10 ~~(4) Moves to another state, territory, or country and:~~

11 ~~(a) Intends to establish the individual's domicile in that state, territory, or country; or~~

12 ~~(b) Makes any claim of residency for any purpose in the state, territory, or country.~~

13 **Section 4 2. That § 12-4-1 be AMENDED:**

14 **12-4-1.** A person ~~Except as provided in section 3 of this Act, an~~ An individual who  
 15 ~~maintains residence, as provided in pursuant to~~ is a resident of this state, as defined in  
 16 § 12-1-4 and section 2 of this Act, within the state for at least thirty consecutive days  
 17 immediately prior to submitting the registration form, and ~~who~~ has or will have the  
 18 qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, ~~or who will have such~~  
 19 qualifications at the next ensuing municipal, primary, general, or school district election,  
 20 is entitled to be registered as a voter in the election precinct in which the person maintains  
 21 residence.

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

24 **Section 5 3. That § 12-18-10 be AMENDED:**

25 **12-18-10.** If ~~a person~~ an individual makes an application for ~~ballots~~ a ballot, or if  
 26 an absentee ballot has been cast, the ~~person's~~ individual's right to vote at that poll and

1 election may be challenged only as to the person's identity as the person registered whom  
 2 the person claims to be or on grounds that within whether the individual:

- 3 (1) Is actually the individual registered to vote;  
 4 (2) Within fifteen days preceding the election the person, has been convicted of a  
 5 felony or declared by proper authority;  
 6 (3) Was declared to be mentally incompetent by a proper authority; or  
 7 (4) ~~Resides in~~ Is a resident of this state, as ~~provided defined~~ in § 12-1-4 ~~and sections~~  
 8 ~~2 and 3 of this Act.~~

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

15 **Section 2. That § 12-4-1.2 be AMENDED:**

16 **12-4-1.2.** The voter registration form must include a certification of voter eligibility  
 17 by which the applicant attests, under the penalty of perjury, that the applicant:

- 18 (1) Is a citizen of the United States;  
 19 (2) Will be eighteen years or older on or before the next election;  
 20 ~~(3) Has maintained residence in South Dakota for at least thirty days prior to~~  
 21 ~~submitting the registration form.~~ Is a resident of the state of South Dakota;  
 22 (4) Has not been judged mentally incompetent;  
 23 (5) Is not currently serving a sentence for a felony conviction; and  
 24 (6) Authorizes the cancellation of a previous registration, if applicable.