

2025 South Dakota Legislature

House Bill 1208**AMENDMENT 1208E
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to provide for registration of an overseas citizen or individual using the**
2 **address of a mail forwarding service or post office box as a ~~national~~ statewide**
3 **voter.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

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

6 **12-1-4.** For the purposes of this title, ~~the term, residence, means the place in~~
7 ~~which a person is domiciled as shown by.~~ "resident," means an individual who maintains
8 an actual fixed permanent dwelling, establishment, or any other abode to which the person
9 returns where the individual lives and usually sleeps, for at least thirty consecutive days.
10 An individual who is a resident of this state remains a resident during an absence from
11 this state, if the individual intends to return to this state after a period of absence. An
12 individual may only be a resident of one place.

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

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

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

26 **Section 2. That a NEW SECTION be added to chapter 12-19:**

1 If an individual applies to register as a voter of this state using only the address of
2 a commercial mail receiving agency, mail forwarding service, or other post office box as
3 the individual's residence address, without providing a description of the location of the
4 individual's habitation, the individual does not meet the requirements to be a resident of
5 this state for the purposes of this title, and may be registered only as a ~~national statewide~~
6 voter. If an individual ~~who~~ does not meet the requirements to be a resident of this state
7 but is eligible to vote pursuant to this section, the county auditor must indicate that the
8 individual is eligible to vote only as a ~~national statewide~~ voter.

9 The county auditor shall prepare a ballot that lists only ~~the~~:

10 (1) ~~The names of the candidates for:~~

11 (a) ~~Statewide office, as defined in § 12-27-1;~~

12 (b) ~~United States senator;~~

13 (c) ~~United States representative, and president; and~~

14 (d) ~~President~~ and vice president of the United States, as certified by the
15 secretary of state pursuant to § 12-8-8, and the names of the presidential
16 electors designated for each candidate; ~~and~~

17 (2) ~~Any ballot question that affects fees or taxes.~~

18 The county auditor or member of the precinct election board shall provide the ballot
19 to any individual who has been designated as a ~~national statewide~~ voter, by the county
20 auditor.

21 For the purposes of this section, ~~"national voter"~~ "statewide voter" means an
22 individual who is eligible to vote in elections for ~~candidates for statewide office, as defined~~
23 in § 12-27-1, presidential electors, United States senator, or United States representative,
24 and any ballot question that affects fees or taxes, at a primary, runoff, special, or general
25 election.

26 **Section 3. That a NEW SECTION be added to chapter 12-20:**

27 The ballot of a ~~national statewide~~ voter, as defined in section 2 of this Act, must
28 be counted with the resident voter ballots of the precinct where the ~~national statewide~~
29 voter is registered, or in an absentee precinct.