



2025 South Dakota Legislature

Senate Bill 218

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Carley**

1 **An Act to revise provisions associated with residency for voting purposes.**

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

11 ~~A person who leaves the residence and~~ If an individual who is a resident of a county
 12 of this state goes into another county of this state or another state or territory for a
 13 temporary purpose ~~has not changed residence, the individual remains a resident of the~~
 14 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 retains residence in~~ An individual remains a resident of this state until
 19 ~~another residence has been gained. If a person~~ the individual becomes a resident of
 20 another state. If an individual moves from this state to another state or territory with the
 21 intention of ~~making it the person's permanent home, the person loses residence in this~~
 22 state becoming a resident of that state or territory for any purpose, the individual is no
 23 longer a resident of this state.

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

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

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

10 **Section 3. That § 12-4-1.2 be AMENDED:**

11 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
 12 by which the applicant attests, under the penalty of perjury, that the applicant:

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

20 **Section 4. That § 12-18-10 be AMENDED:**

21 **12-18-10.** ~~If a person~~ an individual makes an application for ~~ballots~~ a ballot, or if
 22 an absentee ballot has been cast, the ~~person's~~ individual's right to vote at that poll and
 23 election may be challenged only as to ~~the person's identity as the person registered whom~~
 24 ~~the person claims to be or on grounds that within fifteen days preceding the election the~~
 25 ~~person has~~ whether the individual:

- 26 (1) Is actually the individual registered to vote;
 27 (2) Has been convicted of a felony ~~or declared by proper authority;~~
 28 (3) Was declared to be mentally incompetent by a proper authority; or
 29 (4) Is a resident of this state, as defined in § 12-1-4.

30 The proceedings ~~shall~~ to challenge an individual's right to vote must be conducted
 31 before the precinct superintendent and precinct deputies, who shall determine from the
 32 evidence presented ~~whether or not the person~~ the individual is permitted to vote ~~and the~~.
 33 The members of the precinct election board shall indicate beside the individual's name on

1 the registration list the ground stated and the result of the precinct election board's
2 decision.

3 **Section 5. That a NEW SECTION be added to chapter 12-19:**

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

12 The county auditor shall prepare a ballot that lists only the names of the candidates
13 for United States senator, United States representative, and president and vice president
14 of the United States, as certified by the secretary of state pursuant to § 12-8-8, and the
15 names of the presidential electors designated for each candidate. The county auditor or
16 member of the precinct election board shall provide the ballot to any individual who has
17 been designated as a national voter, by the county auditor.

18 For the purposes of this section, "national voter" means an individual who is eligible
19 to vote in elections for presidential electors, United States senator, or United States
20 representative at a primary, runoff, special, or general election.

21 **Section 6. That a NEW SECTION be added to chapter 12-20:**

22 The ballot of a national voter, as defined in section 5 of this Act, must be counted
23 with the resident voter ballots of the precinct where the national voter is registered, or in
24 an absentee precinct.