

2025 South Dakota Legislature

Senate Bill 68**AMENDMENT 68H
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to require an individual be a citizen of the United States before being eligible**
2 **to vote and to provide a penalty therefor.**

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

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

5 ~~12-3-1. Every person who, at the time of an election, maintains~~ An individual may
6 vote at an election in this state only if, at the time of the election, the individual:
7 (1) Is a citizen of the United States;
8 (2) Maintains residence in this state, will be as defined in § 12-1-4;
9 (3) Is at least eighteen years of age or older on or before the next election, is;
10 (4) Is not otherwise disqualified, and complies; and
11 (5) Complies with the law regarding the registration of voters, pursuant to chapter 12-
12 4, may vote at any election in this state.

13 **Section 2. That § 12-26-3 be AMENDED:**

14 ~~12-26-3. Any person who, at the time of requesting his name to be registered as~~
15 ~~a voter, or who at the time of offering his vote at any election, knowingly makes any false~~
16 ~~statement or employs any false representation to procure his name to be registered or his~~
17 ~~vote to be received, is guilty of a Class 2 misdemeanor. A false statement or~~
18 ~~representation made or used in the presence and to the knowledge of a person requesting~~
19 ~~his name to be registered, or offering his vote, is to be deemed made by himself if it~~
20 ~~appears that it was made or used in support of his claim to be registered or to vote, that~~
21 ~~he knew it to be false and that he allowed it to pass uncontradicted.~~
22 An individual is guilty of a Class ~~1 misdemeanor~~ **6 felony** if the individual:
23 (1) Knowingly makes a false statement or representation to register as a voter or cast
24 a ballot at an election; or

- 1 (2) Is in the presence of and knowingly allows another individual to make a false
2 statement or representation to register as a voter or cast a ballot at an election.

3 **Section 3. That § 12-26-4 be AMENDED:**

4 ~~**12-26-4.** Any person knowing himself not to be a qualified voter who votes or~~
5 ~~offers to vote at any election is guilty of a Class 2 misdemeanor.~~

6 An individual is guilty of a Class ~~1 misdemeanor~~ **6 felony** if the individual:

- 7 (1) Knows that the individual is not a qualified voter of this state; and
8 (2) Votes or offers to vote at any election held in this state.

9 **Section 4. That § 12-26-7 be AMENDED:**

10 ~~**12-26-7.** A person who impersonates a registered voter and, as such, offers to~~
11 ~~vote at any election, is guilty of a Class 5 felony.~~

12 An individual is guilty of a Class 6 felony if the individual:

- 13 (1) Impersonates a registered voter; and
14 (2) Votes or offers to vote at any election held in this state.

15 **Section 5. That § 12-26-8 be AMENDED:**

16 ~~**12-26-8.** A person who votes more than once at any election or who offers to vote~~
17 ~~after having once voted, either in the same or in another election precinct in South Dakota~~
18 ~~or elsewhere, is guilty of a Class 6 felony.~~

19 An individual is guilty of a Class 6 felony if the individual:

- 20 (1) After having voted in this state, votes or offers to vote in the same or in another
21 election precinct in this state; or
22 (2) After having voted in another state or territory, votes or offers to vote in this state.