

## 2025 South Dakota Legislature

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

1 An Act to ~~provide for registration of an overseas citizen or~~ designate an individual  
2 using the address of a mail forwarding service or post office box when  
3 applying to register as a voter or vote by absentee ballot as a ~~national federal~~  
4 voter.

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

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

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

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

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

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

1 **Section 2. That a NEW SECTION be added to chapter ~~12-19~~ 12-4:**

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

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

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

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

21 The ballot of a ~~national~~ federal voter, as defined in section 2 of this Act, must be  
22 counted with the resident voter ballots of the precinct where the ~~national~~ federal voter is  
23 registered, or in an absentee precinct.

24 **Section 4. This Act is effective beginning January 1, 2026.**