

2025 South Dakota Legislature

Senate Bill 68**AMENDMENT 68J
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 clarify the qualifications of a voter and crimes related to voting~~**
3 **~~and to~~ provide a penalty therefor.**

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

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

6 **12-3-1.** ~~Every person who, at the time of an election, maintains~~ An individual may
7 vote at an election in this state only if, at the time of the election, the individual:

8 (1) Is a citizen of the United States;

9 (2) Maintains residence in this state, will be as defined in § 12-1-4;

10 (3) Is at least eighteen years of age or older on or before the next election, is;

11 (4) Is not otherwise disqualified, and complies; and

12 (5) Complies with the law regarding the registration of voters, pursuant to chapter 12-
13 4, may vote at any election in this state.

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

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

23 An individual is guilty of a Class 1 misdemeanor if the individual:

24 (1) Knowingly makes a false statement or representation to register as a voter or cast
25 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 This section does not apply to a state employee who is acting in an official capacity.

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

- 5 ~~12-26-4. Any person knowing himself not to be a qualified voter who votes or~~
6 ~~offers to vote at any election is guilty of a Class 2 misdemeanor.~~
7 An individual is guilty of a Class 1 misdemeanor if the individual:
8 (1) Knows that the individual is not a qualified voter of this state; and
9 (2) Votes or offers to vote at any election held in this state.

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

- 11 ~~12-26-7. A person who impersonates a registered voter and, as such, offers to~~
12 ~~vote at any election, is guilty of a Class 5 felony.~~
13 An individual is guilty of a Class 6 felony if the individual:
14 (1) Impersonates a registered voter; and
15 (2) Votes or offers to vote at any election held in this state.

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

- 17 ~~12-26-8. A person who votes more than once at any election or who offers to vote~~
18 ~~after having once voted, either in the same or in another election precinct in South Dakota~~
19 ~~or elsewhere, is guilty of a Class 6 felony.~~
20 An individual is guilty of a Class 6 felony if the individual:
21 (1) After having voted in this state, votes or offers to vote in the same or in another
22 election precinct in this state; or
23 (2) After having voted in another state or territory, votes or offers to vote in this state.