



2025 South Dakota Legislature
Senate Bill 185
ENROLLED

AN ACT

ENTITLED An Act to amend provisions pertaining to the process by which the qualifications of a registered voter are verified.

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

Section 1. That a NEW SECTION be added to chapter 12-4:

The secretary of state, a county auditor, or any individual registered as a voter of this state may file an application for the correction of any precinct registration list or to challenge the right to vote of any registered voter not later than the thirtieth day before the day of a primary, runoff, special, or general election. The application for correction filed pursuant to this section may only challenge whether the individual:

- (1) Is disqualified from voting, pursuant to § 12-4-18; or
- (2) Is deceased.

Section 2. That a NEW SECTION be added to chapter 12-4:

An application for the correction of any precinct registration list or to challenge the right to vote of any registered voter may be filed by the secretary of state, the auditor of the county where the challenged voter is registered, or any other individual who is registered as a voter in the same county where the challenged voter is registered, not later than the ninetieth day before the day of a primary, runoff, special, or general election. The application for correction filed pursuant to this section may only challenge whether a voter:

- (1) Has voted or has registered to vote in another state; or
- (2) Is a resident of this state, pursuant to § 12-1-4.

Section 3. That a NEW SECTION be added to chapter 12-4:

To file an application for correction, the individual must sign and file an affidavit attesting that, to the best of the individual's personal knowledge and belief, having

exercised due diligence to personally verify the evidence presented, the challenged voter is not qualified to vote based on one of the reasons set forth in section 1 or 2 of this Act.

The individual must provide the factual basis for filing the application, including the information required by this section, in the signed affidavit. The application may not be based on an unsupported allegation or the allegation of an anonymous third party. The application must be in a form prescribed by the State Board of Elections, and must contain the:

- (1) Name of the challenged individual;
- (2) Address of the challenged individual;
- (3) Name of the individual filing the application;
- (4) Address, phone number, and email address of the individual filing the application;
- (5) Date of the affidavit; and
- (6) Reason for the challenge, pursuant to section 1 or 2 of this Act.

The individual who files the application shall include documented evidence related to the challenge as an attachment to the affidavit. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the form of the affidavit and the documentation that must be included with the affidavit as evidence of the voter's qualifications.

An individual's social security number, driver license number, South Dakota nondriver identification card number, passport number, or contact information, may not be made public as part of a challenge. An individual who intentionally makes public any information that is confidential, pursuant to this section, is guilty of a Class 2 misdemeanor.

Section 4. That a NEW SECTION be added to chapter 12-4:

If a county auditor receives an application for correction, pursuant to section 3 of this Act, and, after researching the voter, determines the affidavit raises a valid challenge, the auditor must send a verification request to the voter named in the application. The verification request must be sent by forwardable mail in compliance with the National Voter Registration Act, 52 U.S.C. §§ 20501 to 20511, inclusive (January 1, 2025).

The verification request must be returned to the auditor within thirty days of the postmark date and must include documentation sufficient to demonstrate the voter's qualifications as a registered voter. The voter named in the application may request a hearing before the county auditor to demonstrate the voter's qualifications as a registered voter.

The county auditor must cancel a voter's registration if the voter:

- (1) Fails to produce documentation sufficient to demonstrate the voter's qualifications; and
- (2) Has not voted or appeared to vote in an election during the period between:
 - (a) The date that the verification request was sent; and
 - (b) The day after the first general election following the date of the verification request.

The county auditor may not cancel the voter registration of an individual challenged pursuant to section 2 of this Act, within the ninety days immediately prior to the date of an election.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the process by which a county auditor must research a registered voter to establish the validity of a challenge.

Section 5. That a NEW SECTION be added to chapter 12-4:

If a voter's registration is canceled, pursuant to section 4 of this Act, the voter may appeal the auditor's decision to the board of county commissioners or circuit court. Any decision of the board may be appealed to the circuit court.

Section 6. That a NEW SECTION be added to chapter 12-4:

Records of an application of correction filed pursuant to section 3 must be retained by the county auditor for at least twenty-two months. Thereafter, if the auditor chooses to destroy the records, the records must be destroyed in a secure manner.

Section 7. That § 12-4-54 be AMENDED:

12-4-54. By March first of each year, the secretary of state shall submit a report to the State Board of Elections providing the number of voters removed from a county's voter registration list during the previous year due to inactivity, death, felony conviction, mental incompetence, relocation to another jurisdiction, or as the result of an application for correction, pursuant to section 3 of this Act.

The content of the report must be published on the official website of the secretary of state.

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I certify that the attached Act originated in
the:
Senate as Bill No. 185

Received at this Executive Office
this ____ day of _____,
2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 185
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State