



## 2025 South Dakota Legislature

# House Bill 1208

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Kayser**

1 **An Act to designate an individual using the address of a mail forwarding service or**  
 2 **post office box when applying to register as a voter or vote by absentee ballot**  
 3 **as a federal voter.**

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

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

6 **12-1-4.** For the purposes of this title, ~~the term, residence,~~ means the place in  
 7 which a person is domiciled as shown by "resident," means an individual who maintains  
 8 an actual fixed permanent dwelling, establishment, or any other abode ~~to which the person~~  
 9 ~~returns~~ where the individual lives and usually sleeps, for at least thirty consecutive days.  
 10 An individual who is a resident of this state remains a resident during an absence from  
 11 this state, if the individual intends to return to this state after a period of absence. An  
 12 individual may only be a resident of one place.

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

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

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

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

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

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

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

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

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

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