



2025 South Dakota Legislature

House Bill 1062

SENATE ENGROSSED

Introduced by: Representative Baxter

- 1 **An Act to amend provisions pertaining to the maintenance and publication of the**
2 **statewide voter registration file.**

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

4 **Section 1. That § 12-4-9 be AMENDED:**

5 **12-4-9.** The county auditor shall maintain and safeguard a ~~file of voters in~~
6 ~~computer format that contains the information of each person registered in each voting~~
7 ~~precinct within the county. This file shall be known as the master registration file and shall~~
8 ~~be, at all times during office hours, open to public inspection. However, public access to~~
9 ~~social security numbers, driver license numbers, and dates of birth contained in the master~~
10 ~~registration file is prohibited. The master registration file shall contain all information from~~
11 ~~each voter's registration card. The master registration file shall also include the date of~~
12 ~~the last election the voter has voted in and when the voter's information was last updated.~~
13 ~~The master registration file may also contain additional voter history information. Any~~
14 digital master registration file that contains:

- 15 (1) The information from the voter registration card of each individual registered to
16 vote in the county;
17 (2) The date of the last election at which the individual has voted;
18 (3) The date when the individual's voter information was last updated; and
19 (4) Any application made by an individual to vote by absentee ballot, including:
20 (a) The mailing address listed on the absentee ballot application form;
21 (b) The absentee ballot requested on the application;
22 (c) The date the absentee ballot was requested;
23 (d) The date that the absentee ballot was returned; and
24 (e) The method of absentee voting employed by the individual.

1 The master registration file must be open to public inspection, free of charge. An
2 individual's social security number, driver license number, South Dakota nondriver
3 identification number, or month and day of birth is not open to public inspection.

4 The county auditor shall produce a record of all the information contained in the
5 master registration file the day before any primary or general election scheduled within
6 the county by 11:59 p.m. The county auditor shall maintain a rolling five-year archive of
7 historical information from the master registration file.

8 The county auditor shall keep a voter registration form for a purged or unregistered
9 voter ~~shall be kept for~~ twenty-two months. No purged or unregistered voter may be
10 included in the master registration file.

11 **Section 2. That § 12-4-37 be AMENDED:**

12 **12-4-37.** The secretary of state shall establish and maintain a computerized
13 system for maintaining and utilizing the voter registration file ~~and transmitting voter~~
14 ~~registration information from each county auditor to the Office of the Secretary of State.~~
15 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, to develop~~
16 ~~and implement procedures to secure the computerized system used for the voter~~
17 ~~registration file from external threats that could damage the integrity of the voter~~
18 ~~registration system.~~

19 Each county auditor shall transmit daily any changes to the master registration file
20 or the absentee voter log to the secretary of state ~~on a daily basis~~ using the computerized
21 system maintained by the secretary of state. The county auditor shall transmit updated
22 information contained in the county voter registration system, including voter registration
23 information and voter election history information, to the ~~Office of the Secretary of State~~
24 secretary of state not later than July fifteenth after each primary election and December
25 fifteenth after each general election.

26 The secretary of state shall post a weekly update to the statewide voter registration
27 file to the secretary's website. The weekly update to the statewide voter registration file
28 must be recorded each Monday by 11:59 p.m. and must contain any updates to the
29 information in the county master registration file, pursuant to § 12-4-9.

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

31 The secretary of state shall establish and maintain a rolling five-year historical
32 archive of the complete statewide voter registration file, including the weekly updates
33 published by the secretary pursuant to this section.

1 The information contained in or the historical archive of the statewide voter
2 registration file must be made available free of charge.

3 An individual's social security number, driver license number, South Dakota
4 nondriver identification number, and month and day of birth contained in the historical
5 archive of the statewide voter registration file are not open to public inspection.

6 **Section 4. That § 12-4-39 be AMENDED:**

7 **12-4-39.** The secretary of state ~~may~~ shall promulgate rules, pursuant to chapter
8 1-26 ~~concerning~~, providing for:

- 9 (1) ~~Procedures for the establishing~~ The establishment and maintenance of the
10 statewide voter registration file;
- 11 (2) ~~Transmission of~~ The transmission of the voter registration information from the
12 county auditor to the ~~Office of the Secretary of State~~ secretary of state;
- 13 (3) ~~Procedures for determining~~ The identification of duplicate voter registration;
- 14 (4) ~~Dissemination of~~ The publishing of the information from the statewide voter
15 registration file; and
- 16 (5) ~~Establishment~~ The establishment of fees for information provided from the
17 statewide voter registration file not to exceed:
- 18 (a) One thousand dollars per paper copy of a list of the registered voters in the
19 state;
- 20 (b) One hundred dollars per paper copy of a list of the registered voters in a
21 legislative district;
- 22 (c) Fifty dollars per paper copy of a list of registered voters in a county or other
23 political subdivision;
- 24 (d) One hundred dollars per paper copy of an updated partial list that contains
25 only changes made to the list of the registered voters in the state within a
26 year of the purchase of the complete list;
- 27 (e) Seventy-five dollars per paper copy of an updated partial list that contains
28 only changes made to the list of the registered voters in a legislative district,
29 county, or other political subdivision, within a year of the purchase of the
30 complete list; and
- 31 (f) Two hundred twenty-five dollars for an electronic data file containing a list
32 of the registered voters in the state.

33 **Section 5. That § 12-4-41 be AMENDED:**

1 **12-4-41.** Any information obtained from the statewide voter registration file or
2 any county voter registration file may not ~~be used or sold only for election purposes~~, may
3 not be used for any commercial purpose, and may not be placed for unrestricted access
4 on the internet.

5 For the ~~purpose~~ purposes of this section, ~~the term, commercial purpose,~~
6 "commercial purpose" does not include campaign or political polling activities.

7 For the purposes of this section, "sold" does not include any fee charged by the
8 secretary of state for a paper copy of a list of registered voters, as provided in § 12-4-39.

9 Any violation of this section is a Class 1 misdemeanor. In addition to any criminal
10 sanctions, the court may impose a civil penalty not to exceed two thousand dollars for
11 each violation. Any civil penalty collected pursuant to this section ~~shall~~ must be deposited
12 in the general fund.