



2025 South Dakota Legislature

House Bill 1062

ENROLLED

AN ACT

ENTITLED An Act to amend provisions pertaining to the maintenance and publication of the statewide voter registration file.

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

Section 1. That § 12-4-9 be AMENDED:

12-4-9. The county auditor shall maintain and safeguard a digital master registration file that contains:

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

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

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

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

Section 2. That § 12-4-37 be AMENDED:

12-4-37. The secretary of state shall establish and maintain a computerized system for maintaining and utilizing the voter registration file.

Each county auditor shall transmit daily any changes to the master registration file or the absentee voter log to the secretary of state using the computerized system maintained by the secretary of state. The county auditor shall transmit updated information contained in the county voter registration system, including voter registration information and voter election history information, to the secretary of state not later than July fifteenth after each primary election and December fifteenth after each general election.

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

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

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

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

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

Section 4. That § 12-4-39 be AMENDED:

12-4-39. The secretary of state shall promulgate rules, pursuant to chapter 1-26, providing for:

- (1) The establishment and maintenance of the statewide voter registration file;
- (2) The transmission of the voter registration information from the county auditor to the secretary of state;
- (3) The identification of duplicate voter registration;
- (4) The publishing of the information from the statewide voter registration file; and

- (5) The establishment of fees for information provided from the statewide voter registration file not to exceed:
- (a) One thousand dollars per paper copy of a list of the registered voters in the state;
 - (b) One hundred dollars per paper copy of a list of the registered voters in a legislative district;
 - (c) Fifty dollars per paper copy of a list of registered voters in a county or other political subdivision;
 - (d) One hundred dollars per paper copy of an updated partial list that contains only changes made to the list of the registered voters in the state within a year of the purchase of the complete list;
 - (e) Seventy-five dollars per paper copy of an updated partial list that contains only changes made to the list of the registered voters in a legislative district, county, or other political subdivision, within a year of the purchase of the complete list; and
 - (f) Two hundred twenty-five dollars for an electronic data file containing a list of the registered voters in the state.

Section 5. That § 12-4-41 be AMENDED:

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

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

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

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

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

I certify that the attached Act originated in the:

House as Bill No. 1062

Received at this Executive Office
this ____ day of _____,

2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

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

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

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

Secretary of the Senate

Secretary of State

House Bill No. 1062
File No. ____
Chapter No. ____

By _____
Asst. Secretary of State