



2025 South Dakota Legislature

Senate Bill 68

CONFERENCE COMMITTEE ENGROSSED

Introduced by: **Senator Carley**

1 **An Act to require an individual be a citizen of the United States before being eligible**
 2 **to vote and to provide a penalty therefor.**

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

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

5 ~~12-3-1. Every person who, at the time of an election, maintains~~ An individual may
 6 vote at an election in this state only if, at the time of the election, the individual:

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

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

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

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

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

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

14 ~~12-26-3. Any person who, at the time of requesting his name to be registered as~~
 15 ~~a voter, or who at the time of offering his vote at any election, knowingly makes any false~~
 16 ~~statement or employs any false representation to procure his name to be registered or his~~
 17 ~~vote to be received, is guilty of a Class 2 misdemeanor. A false statement or~~
 18 ~~representation made or used in the presence and to the knowledge of a person requesting~~
 19 ~~his name to be registered, or offering his vote, is to be deemed made by himself if it~~
 20 ~~appears that it was made or used in support of his claim to be registered or to vote, that~~
 21 ~~he knew it to be false and that he allowed it to pass uncontradicted.~~

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

23 (1) Knowingly makes a false statement or representation to register as a voter or cast
 24 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 submitting voter registration
4 information to another entity pursuant to federal law.

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

6 ~~12-26-4. Any person knowing himself not to be a qualified voter who votes or~~
7 ~~offers to vote at any election is guilty of a Class 2 misdemeanor.~~

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

- 9 (1) Knows that the individual is not a qualified voter of this state; and
10 (2) Votes or offers to vote at any election held in this state.

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

12 ~~12-26-7. A person who impersonates a registered voter and, as such, offers to~~
13 ~~vote at any election, is guilty of a Class 5 felony.~~

14 An individual is guilty of a Class 6 felony if the individual:

- 15 (1) Impersonates a registered voter; and
16 (2) Votes or offers to vote at any election held in this state.

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

18 ~~12-26-8. A person who votes more than once at any election or who offers to vote~~
19 ~~after having once voted, either in the same or in another election precinct in South Dakota~~
20 ~~or elsewhere, is guilty of a Class 6 felony.~~

21 An individual is guilty of a Class 6 felony if the individual:

- 22 (1) After having voted in this state, votes or offers to vote in the same or in another
23 election precinct in this state; or
24 (2) After having voted in another state or territory, votes or offers to vote in this state.