

## 2026 South Dakota Legislature

**Senate Bill 175****AMENDMENT 175C  
FOR THE INTRODUCED BILL**

1 **An Act to require that an individual provide proof of citizenship when registering to**  
2 **vote ~~using the voter registration form prescribed by the State Board of~~**  
3 **Elections and to declare an emergency.**

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

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

6 ~~12-4-1. An individual who is a resident of this state, as defined in § 12-1-4, and~~  
7 ~~has or will have the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1 at the~~  
8 ~~next ensuing municipal, primary, general, or school district election, is entitled to be~~  
9 ~~registered as a voter in the election precinct in which the person maintains residence~~An  
10 individual is entitled to register as a voter of this state if the individual:

- 11 (1) Is a citizen of the United States and has provided sufficient evidence, as set forth  
12 in section 2 of this Act, to demonstrate the individual's citizenship;  
13 (2) Is a resident, as defined in § 12-1-4, of the precinct in which the individual is  
14 registering as a voter;  
15 (3) On or before the next election, is at least eighteen years of age; and  
16 (4) Is not otherwise disqualified from voting.

17 ~~An individual eligible to vote may vote only in the election precinct where the~~  
18 ~~person maintains residence~~ the individual is a resident.

19 An individual who is a resident of a place that is within the boundaries of this state,  
20 which has been ceded to or acquired by the federal government, may not be denied the  
21 right to vote in any election held in the precinct where the individual is a resident if the  
22 individual is otherwise qualified to vote in the election.

23 **Section 2. That § 12-4-1.3 be AMENDED:**

24 ~~12-4-1.3. If an individual applies to register as a voter of this state or to vote by~~  
25 ~~absentee ballot, using only the address of a commercial mail receiving agency, mail~~

1 ~~forwarding service, or other post office box as the individual's residence address, without~~  
2 ~~providing a description of the location of the individual's habitation, the individual does~~  
3 ~~not meet the requirements to be a resident of this state for the purposes of this title, and~~  
4 ~~may be registered only as a federal voter. If an individual who does not meet the~~  
5 ~~requirements to be a resident of this state is eligible to vote pursuant to this section, the~~  
6 ~~county auditor must indicate that the individual is eligible to vote only as a federal voter. A~~  
7 county auditor must designate an individual as a federal voter if:

8 (1) At the time the individual applies to register as a voter or to vote by absentee  
9 ballot, the individual provides only the address of a commercial mail receiving  
10 agency, mail forwarding service, or other post office box as the address where the  
11 individual is a resident, without providing a description of the location of the  
12 individual's habitation; or

13 (2) The individual applies to register as a voter and does not provide any  
14 documentation demonstrating that the individual is a United States citizen,  
15 provided that the individual is not already registered as a voter of another county  
16 of this state.

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

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

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

27 Any individual applying to register as a voter shall provide documentation, along  
28 with the application, to demonstrate that the individual is a United States citizen. The  
29 individual shall present:

30 (1) The individual's South Dakota driver license or nondriver identification card,  
31 provided that the license or identification card was issued after July 1, 2025, and  
32 indicates that the individual has provided sufficient documentation to demonstrate  
33 that the individual is a United States citizen;

1        (2) A valid driver license or nondriver identification card issued by any other state or  
 2        territory of the United States, provided that the license or identification card  
 3        indicates that the individual has provided sufficient documentation to demonstrate  
 4        that the individual is a United States citizen;

5        (3) The individual's tribal identification card; or

6        (4) A legible photocopy of:

7            (a) The individual's birth certificate;

8            (b) The pages of the individual's United States passport, which identify the  
 9            applicant and show the individual's passport number; ~~or~~

10          (c) A consular report of birth abroad issued by the United States Department  
 11          of State for the individual;

12          (d) The individual's certificate of naturalization; or

13          (e) Any other type of acceptable documentary evidence of citizenship permitted  
 14          under 42 C.F.R. § 436.407 (January 1, 2026).

15            If an individual provides a copy of the individual's certificate of naturalization, the  
 16            county auditor must verify the number of the certificate of naturalization with the United  
 17            States Immigration and Naturalization Service.

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

19            ~~Except as otherwise provided by this section, any individual is deemed to have~~  
 20            ~~provided satisfactory documentation demonstrating the individual's citizenship and is not~~  
 21            ~~required to resubmit documentation demonstrating the individual's citizenship if the~~  
 22            ~~individual is registered as a voter on or before July 1, 2026.~~

23            ~~If an individual who is registered as a voter of this state registers as a voter of~~  
 24            ~~another county within this state, the individual must provide documentation~~  
 25            ~~demonstrating the individual's citizenship.~~

26        **Section 4. That § 34-10-7 be AMENDED:**

27            ~~34-10-7. Any person qualified as an elector under § 12-3-1 and resident of the~~  
 28            ~~proposed hospital district shall be entitled to vote.~~ An individual is entitled to vote at an  
 29            election conducted in a proposed hospital district if the individual is registered as a voter,  
 30            pursuant to chapter 12-4, and is a resident of the proposed hospital district.

31        **Section 5. That § 12-3-1 be REPEALED.**

1           An individual may vote at an election in this state only if, at the time of the election,  
2 the individual:

3       (1) ~~Is a citizen of the United States;~~

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

5       (3) ~~Is at least eighteen years of age;~~

6       (4) ~~Is not otherwise disqualified; and~~

7       (5) ~~Complies with the law regarding the registration of voters, pursuant to chapter 12-~~  
8           4.

9       **Section 6. That § 12-3-1.1 be REPEALED.**

10           No person residing on an area within the boundaries of this state which has been  
11 ceded to, or acquired by, the federal government shall be denied the right to vote in  
12 elections of this state or of the county, municipality, school district, or special district  
13 wherein such area lies if such person is otherwise qualified to vote in such election or  
14 elections.

15       **Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,**  
16 **health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force**  
17 **and effect from and after its passage and approval.**