



2026 South Dakota Legislature

Senate Bill 175

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator** Carley

1 **An Act to require that an individual provide proof of citizenship when registering to**
 2 **vote and to declare an emergency.**

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

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

5 **12-4-1.** ~~An individual who is a resident of this state, as defined in § 12-1-4, and~~
 6 ~~has or will have the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1 at the~~
 7 ~~next ensuing municipal, primary, general, or school district election, is entitled to be~~
 8 ~~registered as a voter in the election precinct in which the person maintains residence~~An
 9 individual is entitled to register as a voter of this state if the individual:

10 (1) Is a citizen of the United States and has provided sufficient evidence, as set forth
 11 in section 2 of this Act, to demonstrate the individual's citizenship;

12 (2) Is a resident, as defined in § 12-1-4, of the precinct in which the individual is
 13 registering as a voter;

14 (3) On or before the next election, is at least eighteen years of age; and

15 (4) Is not otherwise disqualified from voting.

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

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

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

23 **12-4-1.3.** ~~If an individual applies to register as a voter of this state or to vote by~~
 24 ~~absentee ballot, using only the address of a commercial mail receiving agency, mail~~
 25 ~~forwarding service, or other post office box as the individual's residence address, without~~

~~providing a description of the location of the individual's habitation, the individual does not meet the requirements to be a resident of this state for the purposes of this title, and may be registered only as a federal voter. If an individual who does not meet the requirements to be a resident of this state is eligible to vote pursuant to this section, the county auditor must indicate that the individual is eligible to vote only as a federal voter. A county auditor must designate an individual as a federal voter if:~~

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

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

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

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

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

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

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

(2) A valid driver license or nondriver identification card issued by any other state or territory of the United States, provided that the license or identification card

- 1 indicates that the individual has provided sufficient documentation to demonstrate
2 that the individual is a United States citizen;
3 (3) The individual's tribal identification card; or
4 (4) A legible photocopy of:
5 (a) The individual's birth certificate;
6 (b) The pages of the individual's United States passport, which identify the
7 applicant and show the individual's passport number;
8 (c) A consular report of birth abroad issued by the United States Department
9 of State for the individual;
10 (d) The individual's certificate of naturalization; or
11 (e) Any other type of acceptable documentary evidence of citizenship permitted
12 under 42 C.F.R. § 436.407 (January 1, 2026).
13 If an individual provides a copy of the individual's certificate of naturalization, the
14 county auditor must verify the number of the certificate of naturalization with the United
15 States Immigration and Naturalization Service.

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

17 ~~34-10-7. Any person qualified as an elector under § 12-3-1 and resident of the~~
18 ~~proposed hospital district shall be entitled to vote.~~An individual is entitled to vote at an
19 election conducted in a proposed hospital district if the individual is registered as a voter,
20 pursuant to chapter 12-4, and is a resident of the proposed hospital district.

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

22 ~~An individual may vote at an election in this state only if, at the time of the election,~~
23 ~~the individual:~~
24 ~~(1) Is a citizen of the United States;~~
25 ~~(2) Maintains residence in this state, as defined in § 12-1-4;~~
26 ~~(3) Is at least eighteen years of age;~~
27 ~~(4) Is not otherwise disqualified; and~~
28 ~~(5) Complies with the law regarding the registration of voters, pursuant to chapter 12-~~
29 ~~4.~~

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

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

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