

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

139W0126

SENATE BILL NO. 112

Introduced by: Senators Tieszen, Bradford, Buhl O'Donnell, Curd, Heineman (Phyllis),
Heinert, Hunhoff (Bernie), Monroe, Parsley, Rampelberg, Sutton, and
Tidemann and Representatives Hickey, Bolin, Feickert, Harrison, Kaiser, and
Soli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding voting rights of a
2 person convicted of a felony.

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

4 Section 1. That § 12-4-18 be amended to read as follows:

5 12-4-18. The clerk of courts shall, within fifteen days after the close of each month, prepare
6 and deliver to the auditor an abstract from the records of the names of persons declared mentally
7 incompetent in the preceding month. The notice shall be sent to the county auditor of the county
8 in which the person declared incompetent resides. The county auditor shall remove from the
9 master registration list the names of persons identified in accordance with the information
10 provided pursuant to this section and names of those sentenced to imprisonment in the federal
11 penitentiary system and may remove names published in an obituary.

12 Voter registration records maintained in or transmitted to the statewide voter registration file
13 shall be matched with the death records maintained as vital statistics records by the Department
14 of Health and the records of felony convictions maintained by the Unified Judicial System. Any



1 voter identified as deceased or who is ~~serving a sentence~~ imprisoned for a felony conviction
2 shall be removed from the voter registration records. A person whose name is removed from the
3 voter registration records due to imprisonment is eligible to register or re-register to vote upon
4 release from imprisonment. The State Board of Elections may promulgate rules, pursuant to
5 chapter 1-26, determining how voter registration records shall be matched.

6 Section 2. That § 24-5-2 be amended to read as follows:

7 24-5-2. If any inmate has been discharged under the provisions of § 24-5-1, 24-5-7, or 24-
8 15A-8.1, the inmate shall, at the time of discharge, be considered as restored to the full rights
9 of citizenship, except that the voting rights of any person sentenced to imprisonment in the state
10 penitentiary shall be governed by title 12. At the time of the discharge of any inmate under the
11 provisions of this chapter, the inmate shall receive from the secretary of corrections a certificate
12 stating that the inmate has been restored to the full rights of a citizen. If an inmate is on parole
13 at the time the inmate becomes eligible for discharge, the secretary of corrections shall issue a
14 like certificate stating that the inmate has been restored to the full rights of a citizen.

15 The secretary of corrections shall mail a copy of the certificate to the clerk of court for the
16 county from which the inmate was sentenced.

17 Section 3. That § 24-15A-7 be amended to read as follows:

18 24-15A-7. Whenever any inmate has been discharged under the provisions of § 24-15A-6,
19 the inmate shall at the time of discharge be considered as restored to the full rights of
20 citizenship, except that the voting rights of any person sentenced to imprisonment in the state
21 penitentiary shall be governed by title 12. At the time of the discharge of any inmate under the
22 provisions of this chapter, the inmate shall receive from the secretary a certificate stating that
23 the inmate has been restored to the full rights of a citizen. If an inmate is on parole at the time
24 the inmate becomes eligible for discharge, the secretary shall issue a like certificate, which is

1 due notice that the inmate has been restored to the full rights of a citizen.

2 The secretary shall mail a copy of the certificate to the clerk of court for the county from

3 which the inmate was sentenced.