

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

780H0155

HOUSE BILL NO. 1006

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise the procedure for updating the voter registration
2 file and to limit the use of the county voter registration file.

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 Department of Health, in conjunction with preparation of abstracts of vital
6 statistics records made pursuant to § 34-25-46, shall, on a monthly basis, prepare an abstract for
7 the county auditor, listing names and addresses of voters who have been residents of that county
8 and have died.

9 The register of deeds shall deliver a list of the names and addresses of all persons who have
10 died and whose ~~death certificates~~ burial permits were filed in the office during the previous
11 month to the county auditor of the decedent's county of residency by the tenth day of each
12 month.

13 The clerk of courts shall, within fifteen days after the close of each month, prepare and
14 deliver to the auditor an abstract from the records of the names of persons declared mentally
15 incompetent, convicted, and sentenced to the adult state penitentiary system for a felony, or for



1 whom an application or petition for probate is filed, in the preceding month. The clerk of courts
2 shall give notice in of all felony cases ~~including those sentenced to probation~~ sentences to the
3 adult state penitentiary system including a suspended execution of a sentence. The notice shall
4 be sent to the county auditor of the county in which the person declared incompetent or
5 convicted resides. The county auditor shall remove from the master registration list the names
6 of persons identified in accordance with the information provided pursuant to this section and
7 names of those sentenced to imprisonment in the federal penitentiary system and may remove
8 names published in an obituary.

9 Section 2. That § 12-4-19 be amended to read as follows:

10 12-4-19. ~~The name of any~~ Any voter on the active registration list who has failed to vote, has
11 not updated the voter's registration information, and has not replied to a confirmation mailing
12 at least once during the last preceding four consecutive years shall be sent a nonforwardable
13 return-if-undeliverable address verification request ~~or the name of the voter may be submitted~~
14 ~~to a national change of address licensee of the United States Postal Service to determine if the~~
15 ~~voter's address has changed.~~ If the request is undeliverable ~~or the national change of address~~
16 ~~licensee indicates that the voter's address has changed;~~ then a confirmation mailing prescribed
17 by the State Board of Elections shall be sent. If a county auditor has determined through a
18 national change of address licensee of the United States Postal Service that the address of a voter
19 who is to be sent an address verification request has changed, that mailing may be omitted. This
20 ~~determination process~~ shall be ~~made~~ performed by each county auditor between January first and
21 November fifteenth of each odd-numbered year.

22 Section 3. That § 12-4-41 be amended to read as follows:

23 12-4-41. No information obtained from the statewide voter registration file or any county
24 voter registration file may be used or sold for any commercial purpose. For the purpose of this

- 1 section, the term, commercial purpose, does not include campaign or political polling activities.
- 2 Any violation of this section is a Class 2 misdemeanor.