

2023 South Dakota Legislature

Senate Bill 139**AMENDMENT 139F
FOR THE INTRODUCED BILL**

1 **An Act to revise ~~provisions-qualifications~~ residency requirements for the purposes**
2 **of voter registration.**

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

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

5 **12-1-4.** For the purposes of this title, the term, residence, means the place in
6 which a person ~~has fixed his or her habitation~~ is domiciled as shown by an actual fixed
7 permanent dwelling, establishment, or any other abode ~~and to which the person, whenever~~
8 ~~absent, intends to return~~ returns ~~when absent after a period of absence.~~

9 A person who ~~has left home and gone~~ leaves the residence and goes into another
10 county of this state or another state or territory ~~or county of this state~~ for a temporary
11 purpose ~~only~~ has not changed ~~his or her~~ residence.

12 A person is considered to have gained a residence in any county or municipality of
13 this state in which the person actually lives, if the person has no present intention of
14 leaving.

15 A person retains residence in this state until another residence has been gained. If
16 a person moves from this state to another state, ~~or to any of the other territories, territory~~
17 with the intention of making it ~~his or her~~ the person's permanent home, the person ~~thereby~~
18 loses residence in this state.

19 **Section 2. That § 12-3-1 be AMENDED:**

20 **12-3-1.** Every person ~~resident of~~ who, at the time of an election, maintains
21 residence in this state ~~who shall be of the age of,~~ is will be eighteen years ~~and upwards of~~
22 age or older ~~on or before the next election,~~ is not otherwise disqualified, ~~who shall have~~
23 ~~complied and complies~~ with the ~~provisions of law relating to~~ regarding the registration of
24 voters pursuant to chapter 12-4, ~~shall be entitled to~~ may vote at any election in this state.

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

2 **12-4-1.** Every person residing who maintains residence, as provided in § 12-1-4,
 3 within the state for at least thirty ~~consecutive~~ days ~~immediately in the year~~ prior to ~~the~~
 4 ~~day the person registers to vote submitting the registration form,~~ and who has the
 5 qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such
 6 qualifications at the next ensuing municipal, primary, general, or school district election,
 7 shall be ~~is~~ entitled to be registered as a voter in the ~~voting precinct in which he resides~~
 8 election precinct in which the person maintains residence.

9 A person eligible to vote may vote only in the election precinct where the person
 10 maintains residence.

11 **~~Section 4. That § 12-4-5.4 be AMENDED:~~**

12
 13 ~~**12-4-5.4.** Any person registering to vote shall provide the person's valid South~~
 14 ~~Dakota driver license number or a South Dakota nondriver identification number on the~~
 15 ~~voter registration form. If a person does not have a valid South Dakota driver license or~~
 16 ~~a South Dakota nondriver identification number, the person shall provide the last four~~
 17 ~~digits of the person's social security number on the voter registration form.~~

18 ~~If a person does not have a valid South Dakota driver license, or a South Dakota~~
 19 ~~nondriver identification number, or but has a social security number, the person may only~~
 20 ~~register at the county auditor's office and, The applicant shall provide documentation~~
 21 ~~establishing the applicant's residence for the thirty days immediately prior to the date of~~
 22 ~~application and shall sign a statement verifying the fact that the person does not have a~~
 23 ~~valid South Dakota driver license, a South Dakota nondriver identification number, or a~~
 24 ~~social security number. The statement shall be prescribed by the State Board of Elections~~

25 ~~If a person does not have a valid South Dakota driver license, a South Dakota~~
 26 ~~nondriver identification number, or a social security number, the person may only register~~
 27 ~~at the county auditor's office. The applicant shall provide documentation establishing the~~
 28 ~~applicant's residence for the thirty days immediately prior to the date of application and~~
 29 ~~shall sign a statement verifying the fact that the person does not have a valid South~~
 30 ~~Dakota driver license, a South Dakota nondriver identification number, or a social security~~
 31 ~~number.~~

1 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~
2 ~~prescribing the statement and the documentation that may be accepted to establish the~~
3 ~~applicant's residence.~~

4 **Section 4. That chapter 12-4 be amended with a NEW SECTION:**

5 The voter registration form must include a certification of voter eligibility by which
6 the applicant attests, under the penalty of perjury, that the applicant:

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

8 (2) Will be eighteen years or older on or before the next election;

9 (3) Has maintained residence at the address provided on the registration form for at
10 least ~~the~~ thirty days ~~immediately in the year~~ prior to submitting the registration
11 form;

12 (4) Has not been judged mentally incompetent;

13 (5) Is not currently serving a sentence for a felony conviction; and

14 (6) Authorizes the cancellation of a previous registration, if applicable.