

2025 South Dakota Legislature

Senate Bill 68**AMENDMENT 68K
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to require an individual be a citizen of the United States before being eligible**
2 **to vote and to provide a penalty therefor.**

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

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

5 **12-3-1.** ~~Every person who, at the time of an election, maintains~~ An individual may
6 vote at an election in this state only if, at the time of the election, the individual:
7 (1) Is a citizen of the United States;
8 (2) Maintains residence in this state, will be as defined in § 12-1-4;
9 (3) Is at least eighteen years of age or older on or before the next election, is;
10 (4) Is not otherwise disqualified, and complies; and
11 (5) Complies with the law regarding the registration of voters, pursuant to chapter 12-
12 4, may vote at any election in this state.

13 **Section 2. That § 12-26-3 be AMENDED:**

14 **12-26-3.** ~~Any person who, at the time of requesting his name to be registered as~~
15 ~~a voter, or who at the time of offering his vote at any election, knowingly makes any false~~
16 ~~statement or employs any false representation to procure his name to be registered or his~~
17 ~~vote to be received, is guilty of a Class 2 misdemeanor. A false statement or~~
18 ~~representation made or used in the presence and to the knowledge of a person requesting~~
19 ~~his name to be registered, or offering his vote, is to be deemed made by himself if it~~
20 ~~appears that it was made or used in support of his claim to be registered or to vote, that~~
21 ~~he knew it to be false and that he allowed it to pass uncontradicted.~~
22 An individual is guilty of a Class 1 misdemeanor if the individual:
23 (1) Knowingly makes a false statement or representation to register as a voter or cast
24 a ballot at an election; or

(2) Is in the presence of and knowingly allows another individual to make a false statement or representation to register as a voter or cast a ballot at an election.
This section does not apply to a state employee submitting voter registration information to another entity pursuant to federal law.

Section 3. That § 12-26-4 be AMENDED:

~~12-26-4. Any person knowing himself not to be a qualified voter who votes or offers to vote at any election is guilty of a Class 2 misdemeanor.~~

An individual is guilty of a Class 1 misdemeanor if the individual:

- (1) Knows that the individual is not a qualified voter of this state; and
- (2) Votes or offers to vote at any election held in this state.

Section 4. That § 12-26-7 be AMENDED:

~~12-26-7. A person who impersonates a registered voter and, as such, offers to vote at any election, is guilty of a Class 5 felony.~~

An individual is guilty of a Class 6 felony if the individual:

- (1) Impersonates a registered voter; and
- (2) Votes or offers to vote at any election held in this state.

Section 5. That § 12-26-8 be AMENDED:

~~12-26-8. A person who votes more than once at any election or who offers to vote after having once voted, either in the same or in another election precinct in South Dakota or elsewhere, is guilty of a Class 6 felony.~~

An individual is guilty of a Class 6 felony if the individual:

- (1) After having voted in this state, votes or offers to vote in the same or in another election precinct in this state; or
- (2) After having voted in another state or territory, votes or offers to vote in this state.