

2026 South Dakota Legislature

House Bill 1084**AMENDMENT 1084A
FOR THE INTRODUCED BILL**

1 **An Act to amend provisions pertaining to the public availability of information**
2 **contained in certain records.**

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

4 **Section 1. That § 12-4-2 be AMENDED:**

5 **12-4-2.** The county auditor has complete charge of maintaining and safeguarding
6 the voter registration records in the county. The county auditor shall retain all voter
7 registration records in the auditor's office in paper or electronic form. ~~All such records~~
8 ~~shall be open to public inspection at all times during office hours, except pursuant to~~
9 Except as provided in §§ 12-4-9, 12-4-9.2, and 12-4-9.3, the records must be open to
10 public inspection at all times during office hours.

11 Voter registration ~~shall~~ must be conducted by each county auditor and municipal
12 finance officer. Voter registration ~~shall~~ forms must be available at the secretary of state's
13 office and at those locations which provide driver licenses; food stamps; temporary
14 assistance for needy families; women, infants, and children nutrition program; medicaid;
15 military recruitment; and assistance to the disabled as provided by the Department of
16 Human Services any location that:

17 (1) Issues driver licenses;

18 (2) Engages in military recruitment;

19 (3) Assists disabled individuals under programs of the Department of Human Services;

20 or

21 (4) Allows for an individual to apply for:

22 (a) Supplemental nutrition assistance program benefits;

23 (b) Temporary assistance for needy families;

24 (c) Benefits under the women, infants, and children supplemental nutrition
25 program; or

26 (d) Medicaid benefits.

Section 2. That § 12-4-9 be AMENDED:

12-4-9. The county auditor shall maintain and safeguard a digital master registration file that contains:

- (1) The information from the voter registration card of each individual registered to vote in the county;
- (2) The date of the last election at which the individual has voted;
- (3) The date when the individual's voter information was last updated; and
- (4) Any application made by an individual to vote by absentee ballot, including:
 - (a) The mailing address listed on the absentee ballot application form;
 - (b) The absentee ballot requested on the application;
 - (c) The date the absentee ballot was requested;
 - (d) The date that the absentee ballot was returned; and
 - (e) The method of absentee voting employed by the individual.

~~The Except as otherwise provided in this section, § 12-4-9.2, or 12-4-9.3, the~~ master registration file must be open to public inspection, free of charge. An individual's social security number, driver license number, South Dakota nondriver identification number, or month and day of birth is not open to public inspection.

The county auditor shall produce a record of all the information contained in the master registration file the day before any primary or general election scheduled within the county by 11:59 p.m. The county auditor shall maintain a rolling five-year archive of historical information from the master registration file.

The county auditor shall keep a voter registration form for a purged or unregistered voter twenty-two months. No purged or unregistered voter may be included in the master registration file.

Section 3. That § 12-4-9.3 be AMENDED:

~~**12-4-9.3.** Home address information on the voter registration record for a magistrate judge, circuit court judge, or justice of the Supreme Court eligible to vote under § 12-4-1 is not open to public inspection. The Unified Judicial System shall provide a list of judicial officers to the secretary of state. Any personally identifiable information contained in the statewide or county master registration file is not available to the public if the information pertains to:~~

- ~~(1) An individual elected or appointed to statewide or legislative office;~~
- ~~(2) An individual elected or appointed to a federal office;~~

~~(3)~~ — A current or retired state or federal court judge or justice; and

~~(4)~~(2) A law enforcement officer, as defined in § 22-1-2.

The Unified Judicial System shall coordinate with the United States Eighth Circuit Court of Appeals and the United States District Court for the District of South Dakota to provide the secretary of state with a list of individuals whose personally identifiable information is not open to public inspection, pursuant to subdivision ~~(3)~~ (1). The director of the Division of Criminal Investigation shall provide the secretary of state with a list of the law enforcement officers for purposes of subdivision ~~(4)~~ (2).

For purposes of this section, "personally identifiable information" means any home address, home or personal telephone number, or personal e-mail address. The city and county where the official is a resident is a public record.

A violation of this section does not create a private right of action.

Section 4. That § 12-4-37.1 be AMENDED:

12-4-37.1. The secretary of state shall establish and maintain a rolling five-year historical archive of the complete statewide voter registration file, including the weekly updates published by the secretary pursuant to this section.

The information contained in the historical archive of the statewide voter registration file must be made available free of charge.

An individual's social security number, driver license number, South Dakota nondriver identification number, and month and day of birth contained in the historical archive of the statewide voter registration file are not open to public inspection. Any home address, home or personal telephone number, or the personal e-mail address contained in the historical archive of the statewide voter registration file is not open to public inspection if the information is for:

~~(1) — An individual elected or appointed to statewide or legislative office;~~

~~(2) — An individual elected or appointed to a federal office;~~

~~(3)~~ — A current or retired state or federal court judge or justice; and

~~(4)~~(2) A law enforcement officer, as defined in § 22-1-2.

The city and county where the official is a resident is a public record.