



## 2025 South Dakota Legislature

# Senate Bill 48

*Introduced by: The Chair of the Committee on State Affairs at the request of the Secretary of State*

1 **An Act to modify provisions pertaining to the registration of voters.**

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

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

4 ~~12-1-4. For the purposes of this title, the term, residence, means the place in~~  
 5 ~~which a person is domiciled as shown by an actual fixed permanent dwelling,~~  
 6 ~~establishment, or any other abode to which the person returns after a period of absence.~~

7 ~~A person who leaves the residence and goes into another county of this state or~~  
 8 ~~another state or territory for a temporary purpose has not changed residence.~~

9 ~~A person is considered to have gained residence in any county or municipality of~~  
 10 ~~this state in which the person actually lives, if the person has no present intention of~~  
 11 ~~leaving.~~

12 ~~A person retains residence in this state until another residence has been gained. If~~  
 13 ~~a person moves from this state to another state or territory with the intention of making~~  
 14 ~~it the person's permanent home, the person loses residence in this state.~~

15 For the purposes of this title, "resident" means an individual who:

16 (1) Has a physical presence in this state; and

17 (2) Intends to remain in this state for at least thirty days before the election.

18 An individual who is a resident of this state remains a resident during an absence  
 19 from this state if the individual intends to return to this state following the absence. An  
 20 individual who is a full-time postsecondary education student or is on active duty as a  
 21 member of the armed forces and was a resident of this state immediately prior to leaving  
 22 for the postsecondary education or active duty remains a resident of this state.

23 An individual is a resident of the county or municipality of this state where the  
 24 person has a physical presence, if the individual has no present intention of leaving. An  
 25 individual who is a resident of a county or municipality of this state remains a resident of

1 the county or municipality during an absence from the county or municipality if the  
 2 individual intends to return to the county or municipality following the absence.

3 An individual may only be a resident of one place. An individual who is a resident  
 4 of this state remains a resident until the individual becomes a resident of another state or  
 5 territory. If an individual moves from this state to another state or territory with the  
 6 intention of becoming a resident of that state or territory, the individual is no longer a  
 7 resident of this state.

8 **Section 2. That a NEW SECTION be added to chapter 12-1:**

9 An individual who does not live at a fixed, permanent, or private structure may  
 10 register as a voter if the individual has the qualifications of a voter prescribed in § 12-3-  
 11 1 or 12-3-1.1 and lists on the voter registration form the address for one of the following  
 12 locations in this state:

- 13 (1) A homeless shelter to which the individual regularly returns;  
 14 (2) The place at which the individual is a resident;  
 15 (3) The courthouse of the county in which the individual is a resident; or  
 16 (4) A general delivery address for a post office covering the location where the  
 17 individual is a resident.

18 An individual who is otherwise qualified to register as a voter may not be refused  
 19 registration or declared unqualified to vote because the individual does not live in a fixed,  
 20 permanent, or private structure.

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

22 ~~12-4-1. A person who maintains residence, as provided in § 12-1-4, within the~~  
 23 ~~state for at least thirty days prior to submitting the registration form, and who has~~ An  
 24 individual who is or will be a resident of this state and has or will have the qualifications  
 25 of a voter prescribed by § 12-3-1 or 12-3-1.1, ~~or who will have such qualifications~~ at the  
 26 next ensuing municipal, county, primary, general, or school district election, is entitled to  
 27 be registered as a voter in the election precinct ~~in which the person maintains residence~~  
 28 where the individual is a resident.

29 ~~A person~~ An individual who is eligible to vote may vote only in the election precinct  
 30 ~~where the person maintains residence~~ individual is a resident.

31 **Section 4. That § 12-4-1.2 be AMENDED:**

1           **12-4-1.2.** The voter registration form must include a certification of voter eligibility  
2 by which the applicant attests, under the penalty of perjury, that the applicant:

- 3       (1) Is a citizen of the United States;  
4       (2) Will be eighteen years or older on or before the next election;  
5       (3) ~~Has maintained residence in South Dakota for at least thirty days prior to~~  
6           submitting the registration form Is or will be a resident of this state by having lived  
7           in this state and intending to remain in this state for at least thirty days before the  
8           next election;  
9       (4) Has not been judged mentally incompetent;  
10      (5) Is not currently serving a sentence for a felony conviction; and  
11      (6) Authorizes the cancellation of a previous registration, if applicable.

12   **Section 5. That a NEW SECTION be added to chapter 12-4:**

13           Any individual who applies to register as a voter must provide documentation  
14           demonstrating that the individual is a citizen of the United States. The county auditor must  
15           reject any application that does not include the documentation. An individual may provide:

- 16      (1) The number of the individual's driver license or nondriver identification card,  
17           provided that:  
18           (a) The driver license or nondriver identification card was issued by this state  
19               or another state or territory of the United States after September 30, 1996;  
20               and  
21           (b) The driver license or nondriver identification card indicates that the  
22               individual has provided documentation demonstrating that the individual is  
23               a citizen of the United States;  
24      (2) A legible photocopy of the individual's birth certificate;  
25      (3) A legible photocopy of the pages of the individual's United States passport that  
26           show the individual's:  
27           (a) Name;  
28           (b) Photograph; and  
29           (c) Passport number;  
30      (4) A legible photocopy of the individual's United States naturalization documents;  
31      (5) The number of the individual's certificate of naturalization;  
32      (6) Any other document or method of proof of citizenship that has been established  
33           pursuant to the Immigration Reform and Control Act of 1986, 8 U.S.C. §§ 1101 et  
34           seq. (January 1, 2025); or

1 (7) The individual's Bureau of Indian Affairs card number, tribal treaty card number,  
2 tribal identification card number, or tribal enrollment number.

3 An individual who provides only the number of the individual's certificate of  
4 naturalization may not be included in the voter registration file until the county auditor  
5 verifies the number on the certificate of naturalization with the United States Citizenship  
6 and Immigration Services. The county auditor shall inform the individual applying to  
7 register as a voter that the documentation provided by the individual is retained as a part  
8 of the individual's permanent voter file.

9 An individual who is registered to vote prior to July 1, 2025, is deemed to have  
10 provided satisfactory evidence of citizenship, and is not required to submit documentation  
11 demonstrating citizenship. An individual who changes the individual's address pursuant to  
12 § 12-4-15 is not required to submit documentation demonstrating citizenship.

13 Proof of voter registration in another state or territory is not sufficient to  
14 demonstrate that an individual is a citizen of the United States.

15 **Section 6. That a NEW SECTION be added to chapter 12-4:**

16 An individual who has moved to another state or territory with the intention of  
17 becoming a resident of that state or territory may vote in a presidential election held in  
18 this state if:

19 (1) The individual was registered as a voter in a precinct in this state; and

20 (2) The individual has begun residing in the other state or territory with insufficient  
21 time to meet the requirements to register as a voter of that state or territory.

22 Any individual who is eligible to vote pursuant to this section may only vote in a  
23 presidential election and may not vote for any other office or ballot question on the ballot  
24 at the election. An individual who is eligible to vote pursuant to this section must indicate  
25 when applying for an absentee ballot that the individual is eligible to vote in only the  
26 presidential election.

27 The county auditor shall prepare a ballot that lists only the names of the candidates  
28 for President and Vice President of the United States certified by the secretary of state,  
29 pursuant to § 12-8-8, and the names of the presidential electors designated for each  
30 candidate. The county auditor shall send the ballot to any individual who indicates on the  
31 application for an absentee ballot that the individual is eligible to vote in only the  
32 presidential election.

33 Upon the completion of the election, the county auditor shall promptly cancel the  
34 voter registration of any individual who casts a vote pursuant to this section.

1 **Section 7. That § 12-4-5 be AMENDED:**

2 **12-4-5.** The county auditor shall enter in the master registration file the name of  
3 each eligible person whose completed application for registration and mail registration  
4 card is received no later than ~~5:00~~ five p.m. local time at least ~~fifteen~~ thirty days preceding  
5 the election by the county auditor or the local, state, or federal agency responsible for  
6 conducting voter registration under this chapter. A voter registration completed at any  
7 local, state, or federal agency during any week commencing on Tuesday through the  
8 following Monday ~~shall~~ must be sent to the appropriate county auditor by the agency  
9 receiving the registration or mail registration card no later than the following Wednesday.

10 The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for  
11 the alternative transmission of voter registration information by computer from the agency  
12 to the secretary of state.

13 The name of any voter who has registered to vote by ~~5:00~~ five p.m. local time  
14 ~~fifteen~~ thirty days preceding a runoff election ~~shall~~ must be added to the file used for the  
15 runoff election.

16 **Section 8. That § 12-4-9 be AMENDED:**

17 **12-4-9.** The county auditor shall maintain and safeguard a ~~file of voters in~~  
18 ~~computer format that contains the information of each person registered in each voting~~  
19 ~~precinct within the county. This file shall be known as the master registration file and shall~~  
20 ~~be, at all times during office hours, open to public inspection. However, public access to~~  
21 ~~social security numbers, driver license numbers, and dates of birth contained in the master~~  
22 ~~registration file is prohibited. The master registration file shall contain all information from~~  
23 ~~each voter's registration card. The master registration file shall also include the date of~~  
24 ~~the last election the voter has voted in and when the voter's information was last updated.~~  
25 ~~The master registration file may also contain additional voter history information. Any~~  
26 digital master registration file that contains:

- 27 (1) The information from the voter registration card of each individual registered to  
28 vote in the county;  
29 (2) The documentation presented by each individual, pursuant to section 5 of this Act,  
30 to demonstrate that the individual is a citizen of the United States;  
31 (3) The date on which the individual's voter information was last updated; and  
32 (4) Additional voter history information.

1           The master registration file must be open to public inspection. An individual's social  
2           security number, driver license number, South Dakota nondriver identification number,  
3           date of birth, or any documentation provided to demonstrate citizenship is not open to  
4           public inspection.

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

8           **Section 9. That § 12-4-12 be AMENDED:**

9           ~~12-4-12. Any new registrant previously registered elsewhere shall be required to~~  
10          ~~sign an authorization which shall be forwarded by the registration official to the auditor of~~  
11          ~~the county of former registration, or other appropriate registration official, who shall~~  
12          ~~remove the registrant's name from the registration file.~~If an individual applying to register  
13          as a voter was previously registered as a voter in another precinct, the individual must  
14          sign a statement authorizing the appropriate registration official having jurisdiction over  
15          the precinct where the individual was previously registered to remove the individual from  
16          the voter registration file of that jurisdiction. Upon receipt of the completed voter  
17          registration application, the county auditor shall forward a copy of the statement to the  
18          registration official.