



2025 South Dakota Legislature

House Bill 1208

Introduced by: **Representative** Kayser

1 **An Act to provide for registration of an overseas citizen or individual using the**
2 **address of a mail forwarding service or post office box as a national voter.**

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 is domiciled as shown by "resident," means an individual who maintains~~
7 ~~an actual fixed permanent dwelling, establishment, or any other abode to which the person~~
8 ~~returns where the individual lives and usually sleeps, for at least thirty consecutive days.~~
9 An individual who is a resident of this state remains a resident during an absence from
10 this state, if the individual intends to return to this state after a period of absence. An
11 individual may only be a resident of one place.

12 ~~A person who leaves the residence and~~ If an individual who is a resident of a county
13 of this state, goes into another county of this state or another state or territory for a
14 temporary purpose ~~has not changed residence, the individual remains a resident of the~~
15 county.

16 ~~A person is considered to have gained residence in any~~ An individual is a resident
17 of the county or municipality of this state in which the ~~person~~ individual actually lives, if
18 ~~the person~~ individual has no present intention of leaving.

19 ~~A person retains residence in~~ An individual remains a resident of this state until
20 ~~another residence has been gained. If a person~~ the individual becomes a resident of
21 another state or territory. If an individual moves from this state to another state or
22 territory with the intention of ~~making it the person's permanent home, the person loses~~
23 ~~residence in this state~~ becoming a resident of that state or territory for any purpose, the
24 individual is no longer a resident of this state.

25 **Section 2. That a NEW SECTION be added to chapter 12-19:**

1 If an individual applies to register as a voter of this state using only the address of
2 a commercial mail receiving agency, mail forwarding service, or other post office box as
3 the individual's residence address, without providing a description of the location of the
4 individual's habitation, the individual does not meet the requirements to be a resident of
5 this state for the purposes of this title, and may be registered only as a national voter. If
6 an individual who does not meet the requirements to be a resident of this state but is
7 eligible to vote pursuant to this section, the county auditor must indicate that the
8 individual is eligible to vote only as a national voter.

9 The county auditor shall prepare a ballot that lists only the names of the candidates
10 for United States senator, United States representative, and president and vice president
11 of the United States, as certified by the secretary of state pursuant to § 12-8-8, and the
12 names of the presidential electors designated for each candidate. The county auditor or
13 member of the precinct election board shall provide the ballot to any individual who has
14 been designated as a national voter, by the county auditor.

15 For the purposes of this section, "national voter" means an individual who is eligible
16 to vote in elections for presidential electors, United States senator, or United States
17 representative at a general election.