



2025 South Dakota Legislature

Senate Bill 218

Introduced by: **Senator Carley**

1 **An Act to revise provisions associated with residency for voting purposes.**

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

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

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

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

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

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

8 ~~A person~~ An individual eligible to vote may vote only in the election precinct where
 9 the person maintains residence.

10 **Section 3. That § 12-4-1.2 be AMENDED:**

11 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
 12 by which the applicant attests, under the penalty of perjury, that the applicant:

- 13 (1) Is a citizen of the United States;
- 14 (2) Will be eighteen years or older on or before the next election;
- 15 (3) ~~Has maintained residence in South Dakota for at least thirty days prior to~~
 16 ~~submitting the registration form~~ Is a resident of the state of South Dakota;
- 17 (4) Has not been judged mentally incompetent;
- 18 (5) Is not currently serving a sentence for a felony conviction; and
- 19 (6) Authorizes the cancellation of a previous registration, if applicable.

20 **Section 4. That § 12-18-10 be AMENDED:**

21 **12-18-10.** ~~If a person~~ an individual makes an application for ~~ballots~~ a ballot, or if
 22 an absentee ballot has been cast, ~~the person's~~ individual's right to vote at that poll and
 23 election may be challenged only as to ~~the person's identity as the person registered whom~~
 24 ~~the person claims to be or on grounds that within fifteen days preceding the election the~~
 25 ~~person has~~ whether the individual:

- 26 (1) Is actually the individual registered to vote;
- 27 (2) Has been convicted of a felony ~~or declared by proper authority;~~
- 28 (3) Was declared to be mentally incompetent by a proper authority; or
- 29 (4) Is a resident of this state, as defined in § 12-1-4.

30 The proceedings ~~shall~~ to challenge an individual's right to vote must be conducted
 31 before the precinct superintendent and precinct deputies, who shall determine from the
 32 evidence presented ~~whether or not the person~~ the individual is permitted to vote ~~and the~~.
 33 The members of the precinct election board shall indicate beside the individual's name on

- 1 the registration list the ground stated and the result of the precinct election board's
- 2 decision.