



2025 South Dakota Legislature

Senate Bill 185

SENATE STATE AFFAIRS ENGROSSED

Introduced by: Senator Hulse

- 1 **An Act to amend provisions pertaining to the process by which the qualifications of**
2 **a registered voter are verified.**

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

4 **Section 1. That a NEW SECTION be added to chapter 12-4:**

5 The secretary of state, a county auditor, or any individual registered as a voter of
6 this state may file an application for the correction of any precinct registration list or a
7 challenge of the right to vote of any registered voter not later than the thirtieth day before
8 the day of a primary, runoff, special, or general election. The application for correction
9 may only challenge whether the individual:

- 10 (1) Is disqualified from voting, pursuant to § 12-4-18;
11 (2) Is deceased;
12 (3) Has voted or has registered to vote in another state; or
13 (4) Is a resident of this state, pursuant to § 12-1-4.

14 **Section 2. That a NEW SECTION be added to chapter 12-4:**

15 To file an application for correction, the individual must sign and file an affidavit
16 attesting that, to the best of the individual's personal knowledge and belief, having
17 exercised due diligence to personally verify the evidence presented, the challenged voter
18 is not qualified to vote based on one of the reasons set forth in section 1 of this Act.

19 The individual must provide the factual basis for filing the application, including the
20 information required by this section, in the signed affidavit. The application may not be
21 based on an unsupported allegation or the allegation of an anonymous third party. The
22 application must be in a form prescribed by the State Board of Elections, and must contain
23 the:

- 24 (1) Name of the challenged individual;
25 (2) Address of the challenged individual;

- 1 (3) Name of the individual filing the application;
2 (4) Address, phone number, and email address of the individual filing the application;
3 (5) Date of the affidavit; and
4 (6) Reason for the challenge, pursuant to section 1 of this Act.

5 The individual who files the application shall include documented evidence related
6 to the challenge as an attachment to the affidavit. An individual's social security number,
7 driver license number, South Dakota nondriver identification card number, passport
8 number, or contact information, may not be made public as part of a challenge.

9 **Section 3. That a NEW SECTION be added to chapter 12-4:**

10 If a county auditor receives an application for correction, pursuant to section 2 of
11 this Act, and, after researching the voter, determines the affidavit is a valid challenge, the
12 auditor must send a nonforwardable, return-if-undeliverable address verification request
13 to the voter named in the application.

14 The verification request must be returned to the auditor within fourteen days and
15 must include documentation sufficient to demonstrate the voter's qualifications as a
16 registered voter. The voter named in the application may request a hearing before the
17 county auditor to demonstrate the voter's qualifications as a registered voter. If the voter
18 fails to produce documentation sufficient to demonstrate the voter's qualifications, the
19 county auditor must cancel the individual's voter registration.

20 The county auditor may not cancel the voter registration of an individual challenged
21 pursuant to subdivision (3) or (4) of section 1 of this Act, within the ninety days
22 immediately prior to the date of an election.

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

24 If a voter's registration is canceled, pursuant to section 3 of this Act, the voter may
25 appeal the auditor's decision to the board of county commissioners or circuit court. Any
26 decision of the board may be appealed to the circuit court.

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

28 Records of an application of correction filed pursuant to section 2 must be retained
29 by the county auditor for at least twenty-two months. Thereafter, if the auditor chooses
30 to destroy the records, the records must be destroyed in a secure manner.

31 **Section 6. That § 12-4-54 be AMENDED:**

1 **12-4-54.** By March first of each year, the secretary of state shall submit a report
2 to the State Board of Elections providing the number of voters removed from a county's
3 voter registration list ~~from~~ during the previous year due to inactivity, death, felony
4 conviction, mental incompetence, ~~or~~ relocation to another jurisdiction, or as the result of
5 an application for correction, pursuant to section 2 of this Act.

6 The content of the report must be published on the official website of the secretary
7 of state.