



## 2025 South Dakota Legislature

# Senate Bill 68

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Senator** Carley

1 **An Act to require an individual be a citizen of the United States before being eligible**  
 2 **to vote and to provide a penalty therefor.**

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

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

5 **12-3-1.** ~~Every person who, at the time of an election, maintains~~ An individual may  
 6 vote at an election in this state only if, at the time of the election, the individual:  
 7 (1) Is a citizen of the United States;  
 8 (2) Maintains residence in this state, will be as defined in § 12-1-4;  
 9 (3) Is at least eighteen years of age or older on or before the next election, is;  
 10 (4) Is not otherwise disqualified, and complies; and  
 11 (5) Complies with the law regarding the registration of voters, pursuant to chapter 12-  
 12 4, may vote at any election in this state.

13 **Section 2. That § 12-26-3 be AMENDED:**

14 **12-26-3.** ~~Any person who, at the time of requesting his name to be registered as~~  
 15 ~~a voter, or who at the time of offering his vote at any election, knowingly makes any false~~  
 16 ~~statement or employs any false representation to procure his name to be registered or his~~  
 17 ~~vote to be received, is guilty of a Class 2 misdemeanor. A false statement or~~  
 18 ~~representation made or used in the presence and to the knowledge of a person requesting~~  
 19 ~~his name to be registered, or offering his vote, is to be deemed made by himself if it~~  
 20 ~~appears that it was made or used in support of his claim to be registered or to vote, that~~  
 21 ~~he knew it to be false and that he allowed it to pass uncontradicted.~~

22 An individual is guilty of a Class 1 misdemeanor if the individual:  
 23 (1) Knowingly makes a false statement or representation to register as a voter or cast  
 24 a ballot at an election; or

- 1        (2) Is in the presence of and knowingly allows another individual to make a false  
2        statement or representation to register as a voter or cast a ballot at an election.

3        **Section 3. That § 12-26-4 be AMENDED:**

- 4        ~~**12-26-4.** Any person knowing himself not to be a qualified voter who votes or~~  
5        ~~offers to vote at any election is guilty of a Class 2 misdemeanor.~~  
6        An individual is guilty of a Class 1 misdemeanor if the individual:  
7        (1) Knows that the individual is not a qualified voter of this state; and  
8        (2) Votes or offers to vote at any election held in this state.

9        **Section 4. That § 12-26-7 be AMENDED:**

- 10       ~~**12-26-7.** A person who impersonates a registered voter and, as such, offers to~~  
11       ~~vote at any election, is guilty of a Class 5 felony.~~  
12       An individual is guilty of a Class 6 felony if the individual:  
13       (1) Impersonates a registered voter; and  
14       (2) Votes or offers to vote at any election held in this state.

15       **Section 5. That § 12-26-8 be AMENDED:**

- 16       ~~**12-26-8.** A person who votes more than once at any election or who offers to vote~~  
17       ~~after having once voted, either in the same or in another election precinct in South Dakota~~  
18       ~~or elsewhere, is guilty of a Class 6 felony.~~  
19       An individual is guilty of a Class 6 felony if the individual:  
20       (1) After having voted in this state, votes or offers to vote in the same or in another  
21       election precinct in this state; or  
22       (2) After having voted in another state or territory, votes or offers to vote in this state.