



2025 South Dakota Legislature

House Bill 1208

ENROLLED

AN ACT

ENTITLED An Act to designate an individual using the address of a mail forwarding service or post office box when applying to register as a voter or vote by absentee ballot as a federal voter.

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

Section 1. That § 12-1-4 be AMENDED:

12-1-4. For the purposes of this title, "resident" means an individual who maintains an actual fixed permanent dwelling, establishment, or any other abode where the individual lives and usually sleeps, for at least thirty consecutive days. An individual who is a resident of this state remains a resident during an absence from this state, if the individual intends to return to this state after a period of absence. An individual may only be a resident of one place.

If an individual who is a resident of a county of this state, goes into another county of this state or another state or territory for a temporary purpose, the individual remains a resident of the county.

An individual is a resident of the county or municipality of this state in which the individual actually lives, if the individual has no present intention of leaving.

An individual remains a resident of this state until the individual becomes a resident of another state or territory. If an individual moves from this state to another state or territory with the intention of becoming a resident of that state or territory for any purpose, the individual is no longer a resident of this state.

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

If an individual applies to register as a voter of this state or to vote by absentee ballot, using only the address of a commercial mail receiving agency, mail forwarding service, or other post office box as the individual's residence address, without providing a description of the location of the individual's habitation, the individual does not meet the

requirements to be a resident of this state for the purposes of this title, and may be registered only as a federal voter. If an individual who does not meet the requirements to be a resident of this state is eligible to vote pursuant to this section, the county auditor must indicate that the individual is eligible to vote only as a federal voter.

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

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

Section 3. That a NEW SECTION be added to chapter 12-20:

The ballot of a federal voter, as defined in section 2 of this Act, must be counted with the resident voter ballots of the precinct where the federal voter is registered, or in an absentee precinct.

Section 4. This Act is effective beginning January 1, 2026.

An Act to designate an individual using the address of a mail forwarding service or post office box when applying to register as a voter or vote by absentee ballot as a federal voter.

 I certify that the attached Act originated in
 the:

 House as Bill No. 1208

 Received at this Executive Office
 this _____ day of _____,
 2025 at _____ M.

 Chief Clerk

By _____

 for the Governor

 Speaker of the House

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2025

Attest:

 Chief Clerk

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 President of the Senate

Attest:

Filed _____, 2025
 at _____ o'clock ____ M.

 Secretary of the Senate

 Secretary of State

House Bill No. 1208
 File No. _____
 Chapter No. _____

By _____

 Asst. Secretary of State