

2025 South Dakota Legislature

House Bill 1066**AMENDMENT 1066B
FOR THE INTRODUCED BILL**

1 **An Act to revise residency requirements for the purposes of voter registration.**

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,~~ "residence" means the
5 ~~place in which a person is domiciled as shown by an actual fixed permanent dwelling,~~
6 ~~establishment, or any other abode~~ in which an individual lives and usually sleeps and to
7 ~~which the person~~ individual returns after a period of absence. An individual may have only
8 one place of residence.

9 ~~A person~~ An individual who leaves the residence and goes into another county of
10 this state or another state or territory for a temporary purpose has not changed residence.

11 ~~A person~~ An individual is considered to have gained residence in any county or
12 municipality of this state in which the ~~person~~ individual actually lives, if the ~~person~~
13 individual has no present intention of leaving.

14 ~~A person~~ An individual retains residence in this state until another residence has
15 been gained. If a ~~person~~ an individual moves from this state to another state or territory
16 with the intention of making it the ~~person's~~ individual's permanent home, the ~~person~~
17 individual loses residence in this state.

18 **Section 2. That a NEW SECTION be added to chapter 12-1:**

19 Notwithstanding § 12-1-4, an individual maintains residence in this state if the
20 individual has established residence in this state and then:

21 (1) Is absent from this state due to business of the United States or of this state and
22 intends to return to the individual's residence upon the completion of the business;

23 (2) Is on active duty as a member of the South Dakota National Guard or armed forces
24 of the United States and intends to return to the individual's residence upon the
25 completion of active duty;

- 1 (3) Is the spouse of an individual who is absent from this state due to business of the
2 United States or this state, or is on active duty as a member of the South Dakota
3 National Guard or armed forces of the United States;
- 4 (4) Is absent from this state due to the individual's employment or volunteer work and
5 intends to return to the individual's residence in this state upon completion of the
6 employment or volunteer work;
- 7 (5) Is a family member accompanying an individual who:
8 (a) Is absent from this state due to the individual's employment or volunteer
9 work; and
10 (b) Intends to return to the individual's residence in this state upon completion
11 of the employment or volunteer work;
- 12 (6) Is a full-time postsecondary education student who resided in this state
13 immediately prior to leaving for postsecondary education;
- 14 (7) Is enlisted as a member of the armed forces of the United States and is
15 continuously stationed in this state;
- 16 (8) Is the spouse of an individual who is enlisted as a member of the armed forces of
17 the United States and is continuously stationed in this state;
- 18 (9) Is a patient in any veterans' hospital or nursing home located within this state;
- 19 (10) Is an employee of the veterans' administration or any veterans' hospital in this
20 state; or
- 21 (11) Resides on a restricted military reservation located in this state.
- 22 If an individual's residence is destroyed or rendered uninhabitable by fire or natural
23 disaster, the individual maintains residence in this state if the individual intends to return
24 to the residence as soon as the residence is made habitable.

25 **Section 3. That a NEW SECTION be added to chapter 12-1:**

26 An individual loses residence in this state if the individual:

- 27 (1) Applies for, purchases, or accepts a resident hunting, fishing, or trapping license
28 issued by another state, territory, or country;
- 29 (2) Registers to vote in another state, territory, or country;
- 30 (3) Accepts a driver license issued by another state, territory, or country; or
- 31 (4) Moves to another state, territory, or country and:
32 (a) Intends to establish the individual's domicile in that state, territory, or
33 country; or

- 1 (b) Makes any claim of residency for any purpose in the state, territory, or
 2 country; or
 3 ~~(5) Resides in any other state, territory, or country for an aggregate of at least one~~
 4 ~~hundred eighty days in a calendar year, provided that the individual is not residing~~
 5 ~~in the other state, territory, or country for a purpose listed in section 2 of this Act.~~

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

7 **12-4-1.** ~~A person~~ Except as provided in section 3 of this Act, an individual who
 8 maintains residence, ~~as provided in pursuant to § 12-1-4 and section 2 of this Act,~~ within
 9 the state for at least thirty consecutive days immediately prior to submitting the
 10 registration form, and who has or will have the qualifications of a voter prescribed by § 12-
 11 3-1 or 12-3-1.1, ~~or who will have such qualifications at the next ensuing municipal,~~
 12 primary, general, or school district election, is entitled to be registered as a voter in the
 13 election precinct in which the person maintains residence.

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

16 **Section 5. That § 12-18-10 be AMENDED:**

17 **12-18-10.** ~~If a person~~ an individual makes an application for ~~ballots~~ a ballot, or if
 18 an absentee ballot has been cast, the ~~person's~~ individual's right to vote at that poll and
 19 election may be challenged only as to the ~~person's~~ individual's identity as the ~~person~~ individual registered whom
 20 the ~~person~~ individual claims to be ~~or on grounds that within~~ whether the individual:

- 21 (1) Is actually the individual registered to vote;
 22 (2) Within fifteen days preceding the election ~~the person,~~ has been convicted of a
 23 felony ~~or declared by proper authority;~~
 24 (3) Was declared to be mentally incompetent by a proper authority; or
 25 (4) Resides in this state, as provided in § 12-1-4 and sections 2 and 3 of this Act.

26 The proceedings ~~shall~~ to challenge an individual's right to vote must be conducted
 27 before the precinct superintendent and precinct deputies, who shall determine from the
 28 evidence presented whether ~~or not the person~~ the individual is permitted to vote ~~and the,~~
 29 The members of the precinct election board shall indicate beside the individual's name on
 30 the registration list the ground stated and the result of the precinct election board's
 31 decision.

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1 **~~Section 6. That a NEW SECTION be added to chapter 12-18:~~**

2 ~~Documentation showing the individual's mailing address, ownership of a property or business~~
3 ~~in this state, or employment in this state is not sufficient by itself to demonstrate that the~~
4 ~~individual maintains residence in this state, as provided in § 12-1-4 and section 2 of this Act.~~
5 ~~If an individual is challenged as to whether the individual resides in this state, pursuant to §~~
6 ~~12-18-10, the individual must present a valid South Dakota driver license or nondriver~~
7 ~~identification card showing the name, photograph, and signature of the individual and:~~

8 ~~(1) A bill, account, or start of service statement for a utility, service, bank account, or credit~~
9 ~~card, which shows the name and South Dakota address of the individual, due or dated within~~
10 ~~thirty days of the election; or~~

11 ~~(2) A lease agreement for a residential property, valid through election day, which shows the~~
12 ~~name and South Dakota address of the individual.~~