

2025 South Dakota Legislature

House Bill 1066**AMENDMENT 1066J
FOR THE HOUSE STATE AFFAIRS ENGROSSED 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" "resident"~~
 5 ~~means the place in which a person is domiciled as shown by an individual who maintains~~
 6 ~~an actual fixed permanent dwelling, establishment, or any other abode in which an where~~
 7 ~~the individual lives and usually sleeps and to which the person individual returns for at~~
 8 ~~least thirty consecutive days. An individual who is a resident of this state remains a~~
 9 ~~resident during an absence from this state, if the individual intends to return to this state~~
 10 ~~after a period of absence. An individual may have only one place of residence.~~

11 ~~A person An individual who leaves the residence and If an individual who is a~~
 12 ~~resident of a county of this state, goes into another county of this state or another state~~
 13 ~~or territory for a temporary purpose has not changed residence, the individual remains a~~
 14 ~~resident of the 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 An individual retains residence in remains a resident of~~ this state until
 19 ~~another residence has been gained the individual becomes a resident of another state.~~ If
 20 ~~a person an individual moves from this state to another state or territory with the intention~~
 21 ~~of making it the person's individual's permanent home, the person of becoming a resident~~
 22 ~~of that state or territory for any purpose, the individual loses residence in is no longer a~~
 23 ~~resident this state.~~

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

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

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

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

8 ~~(3) Is the spouse of an individual who is absent from this state due to business of the United~~
9 ~~States or this state, or is on active duty as a member of the South Dakota National Guard or~~
10 ~~armed forces of the United States;~~

11 ~~(4) Is absent from this state due to the individual's employment or volunteer work and intends~~
12 ~~to return to the individual's residence in this state upon completion of the employment or~~
13 ~~volunteer work;~~

14 ~~(5) Is a family member accompanying an individual who:~~

15 ~~(a) Is absent from this state due to the individual's employment or volunteer work; and~~

16 ~~(b) Intends to return to the individual's residence in this state upon completion of the~~
17 ~~employment or volunteer work;~~

18 ~~(6) Is a full-time postsecondary education student who resided in this state immediately prior~~
19 ~~to leaving for postsecondary education;~~

20 ~~(7) Is enlisted as a member of the armed forces of the United States and is continuously~~
21 ~~stationed in this state;~~

22 ~~(8) Is the spouse of an individual who is enlisted as a member of the armed forces of the~~
23 ~~United States and is continuously stationed in this state;~~

24 ~~(9) Is a patient in any veterans' hospital or nursing home located within this state;~~

25 ~~(10) _____ Is an employee of the veterans' administration or any veterans' hospital~~
26 ~~in this state; or~~

27 ~~(11) _____ Resides on a restricted military reservation located in this state.~~

1 ~~If an individual's residence is destroyed or rendered uninhabitable by fire or natural disaster,~~
2 ~~the individual maintains residence in this state if the individual intends to return to the~~
3 ~~residence as soon as the residence is made habitable.~~

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

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

6 (1) Applies for, purchases, or accepts a resident hunting, fishing, or trapping license issued
7 by another state, territory, or country;

8 (2) Registers to vote in another state, territory, or country;

9 (3) Accepts a driver license issued by another state, territory, or country; or

10 (4) Moves to another state, territory, or country and:

11 (a) Intends to establish the individual's domicile in that state, territory, or country; or

12 (b) Makes any claim of residency for any purpose in the state, territory, or country.

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

14 ~~12-4-1. A person~~ 12-4-1. A person ~~Except as provided in section 3 of this Act, an~~ An individual who
15 ~~maintains residence, as provided in pursuant to~~ is a resident of this state, as defined in
16 ~~§ 12-1-4 and section 2 of this Act, within the state for at least thirty consecutive days~~
17 ~~immediately prior to submitting the registration form, and who has or will have the~~
18 ~~qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such~~
19 ~~qualifications at the next ensuing municipal, primary, general, or school district election,~~
20 ~~is entitled to be registered as a voter in the election precinct in which the person maintains~~
21 ~~residence.~~

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

24 **~~Section 3. That § 12-18-10 be AMENDED:~~**

25 ~~12-18-10. If a person~~ 12-18-10. If a person ~~an individual makes an application for ballots a ballot, or if~~
26 ~~an absentee ballot has been cast, the person's individual's right to vote at that poll and~~

1 election may be challenged only as to the person's identity as the person registered whom
 2 the person claims to be or on grounds that within whether the individual:

3 ~~(1) — Is actually the individual registered to vote;~~

4 ~~(2) — Within fifteen days preceding the election the person, has been convicted of a
 5 felony or declared by proper authority;~~

6 ~~(3) — Was declared to be mentally incompetent by a proper authority; or~~

7 ~~(4) — Resides in Is a resident of this state, as provided defined in § 12-1-4 and sections
 8 2 and 3 of this Act.~~

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

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

16 **12-4-1.2.** The voter registration form must include a certification of voter eligibility
 17 by which the applicant attests, under the penalty of perjury, that the applicant:

18 (1) Is a citizen of the United States;

19 (2) Will be eighteen years or older on or before the next election;

20 ~~(3) — Has maintained residence in South Dakota for at least thirty days prior to~~
 21 ~~submitting the registration form. Is a resident of the state of South Dakota;~~

22 (4) Has not been judged mentally incompetent;

23 (5) Is not currently serving a sentence for a felony conviction; and

24 (6) Authorizes the cancellation of a previous registration, if applicable.