

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

288X0421

SENATE BILL NO. 164

Introduced by: Senator Tieszen and Representative Otten (Herman)

1 FOR AN ACT ENTITLED, An Act to revise certain residency requirements for voter
2 registration.

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

4 Section 1. That § 12-1-4 be amended to read:

5 12-1-4. For the purposes of this title, the term, residence, means the place in which a person
6 has fixed his or her habitation and to which the person, whenever absent, intends to return.

7 No person may register to vote using a business location, campground, or post office box
8 as the registration address. However, if no other residential address or valid physical description
9 of the location of the residence is available, the person may appeal to the county auditor in the
10 county of registration. The county auditor shall determine residency based on the following
11 principles:

12 (1) The sole basis for the person's presence at the location is not based on a business or
13 a commercial use, such as a mail forwarding service;

14 (2) The residence of the person is a place in which the person's habitation is fixed and
15 to which the person has a definite plan to return following an absence;



1 (3) The person is not claiming residency of the state solely for taxation or insurance
2 purposes with no intention of physically remaining or returning; and

3 (4) The person maintains a physical domicile with long-term sleeping accommodations
4 at the residence.

5 If the county auditor denies the registration, the person may appeal to the Office of Hearing
6 Examiners as a contested case pursuant to chapter 1-26D for the determination of residency. If
7 the person does not meet the principles listed, the administrative law judge may still choose to
8 allow voter registration if the judge determines circumstances indicate legitimate residence of
9 the state. Prior long-term residence in the state shall be considered proof of intention to return
10 to the state.

11 A person who has left home and gone into another state or territory or county of this state
12 for a temporary purpose only has not changed his or her residence.

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

15 If a person moves to another state, or to any of the other territories, with the intention of
16 making it his or her permanent home, the person thereby loses residence in this state.