

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

743S0390

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1130** - 2/28/2011

Introduced by: Representatives Feinstein, Gosch, Hunhoff (Bernie), Kirkeby, Lucas, and
Lust and Senators Adelstein and Hansen (Tom)

1 FOR AN ACT ENTITLED, An Act to allow certain adult children of overseas citizens to vote
2 in the state.

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

4 Section 1. That § 12-4-4.4 be amended to read as follows:

5 12-4-4.4. Any overseas citizen ~~shall have the right to~~ may register and vote in any federal,
6 state, county, or local election held within South Dakota under the following conditions:

7 (1) The overseas citizen, or the spouse or parent of the overseas citizen, was last
8 domiciled in South Dakota immediately prior to departure from the United States;

9 (2) The overseas citizen does not maintain a domicile, is not registered to vote, and is not
10 voting in any other state;

11 (3) The overseas citizen is otherwise qualified to vote according to law.

12 Section 2. That § 12-4-4.5 be amended to read as follows:

13 12-4-4.5. The overseas citizen ~~shall be allowed to~~ may register and vote absentee in the same
14 county and election precinct in which the overseas citizen, or spouse or parent of the overseas



1 citizen, resided immediately prior to leaving the United States.

2 Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 If an overseas citizen who has never resided in South Dakota, who is the adult child of an
5 active duty member of the armed forces of the United States, and who has not reached the age
6 of twenty-two and is eligible to register to vote pursuant to § 12-4-4.4, the voter registration of
7 the adult child shall be accompanied by a photocopy of the adult child's United States passport
8 identification page and an overseas registrant form indicating where the adult child's parent is
9 registered to vote in South Dakota. The State Board of Elections shall prescribe the overseas
10 registrant form.