

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

447J0247

## HOUSE ENGROSSED NO. **SB 13** - 02/17/2004

Introduced by: The Committee on Local Government at the request of the Office of the  
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise the residency requirements for voting purposes  
2 and to revise the criteria for determining if any person has voted more than once at any  
3 election.

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

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

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

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

10 A person is considered to have gained a residence in any county or municipality of this state  
11 in which the person actually lives, if the person has no present intention of leaving ~~and has~~  
12 ~~actually resided in South Dakota for at least thirty consecutive days.~~

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

15 Section 2. That § 12-26-8 be amended to read as follows:



1           12-26-8. A person who votes more than once at any election or who offers to vote after  
2   having once voted, either in the same or in another election precinct in South Dakota or  
3   elsewhere, is guilty of a ~~Class 1 misdemeanor~~ Class 6 felony.