
South Dakota

Voter Registration & Voter List Maintenance Guide

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State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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Who can I contact with election related questions?

[Link to Elections Official](#)

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|--------------------------------|--|
| Chief Elections Office: | Secretary of State <u>Division of Elections</u> |
| Physical Address: | Secretary of State Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070 |
| Mailing Address: | Secretary of State, Division of Elections Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070 |
| Phone Number: | 605-773-3537 |
| Fax Number: | 605-773-6580 |
| Online Contact: | <u>elections@state.sd.us</u> |
| County Auditors: | <u>https://vip.sdsos.gov/CountyAuditors.aspx</u> |

How do I register to vote?

[Link to Register](#)
[Link to Statutes](#)

[SD Const. Article VII § 2. Voter qualification.](#)

Every United States citizen eighteen years of age or older who has met all residency and registration requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. The Legislature may by law establish reasonable requirements to insure the integrity of the vote.

Each elector who qualified to vote within a precinct shall be entitled to vote in that precinct until he establishes another voting residence. An elector shall never lose his residency for voting solely by reason of his absence from the state.

How do I cancel my voter registration?

[Link to Cancellation Form](#)
[County Auditor Offices](#)

To cancel your voter record in South Dakota's Statewide voter Registration System, complete and sign the [form](#), and return it to your [County Auditor](#).

[12-4-56. Voluntary removal of the name of a registered voter--Promulgation of rules.](#)

A person registered to vote, pursuant to this chapter, may request that the auditor of the county in which the voter resides remove the person's name from the master registration list. If a person makes a request pursuant to this section less than fourteen days prior to an election, the removal of the individual's name is effective on the day after the election. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form to be used by a person requesting the removal of the person's name from the master registration list.

How is voter list maintenance handled?

12-4-12. New registration on move between states or counties--Authorization to cancel previous registration.

Any new registrant previously registered elsewhere shall be required to sign an authorization which shall be forwarded by the registration official to the auditor of the county of former registration, or other appropriate registration official, who shall remove the registrant's name from the registration file.

12-4-18. Persons declared mentally incompetent, deceased, or serving sentence for felony conviction--Removed from registration records--Promulgation of rules--Certification.

The clerk of courts shall, within fifteen days after the close of each month, prepare an abstract from the records of the names of persons declared mentally incompetent in the preceding month. The clerk of courts shall send the name of a person declared mentally incompetent to the county auditor of the county in which the person declared incompetent resides.

The county auditor shall remove from the master registration list:

- (1) The names of persons identified as mentally incompetent in accordance with the information provided pursuant to this section;
- (2) The names of those sentenced to imprisonment in the federal penitentiary system; and
- (3) The names published in an obituary.

The county auditor shall match voter registration records maintained in or transmitted to the statewide voter registration file with the death records maintained as vital statistics records by the Department of Health, the social security death index, the Social Security Administration master death file, and the records of felony convictions maintained by the Unified Judicial System each month. Any voter identified as deceased, as mentally incompetent, or who is serving a sentence for a felony conviction must be removed from the voter registration records.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, determining how voter registration records are matched.

Prior to providing a registration list to precincts, as prescribed in § 12-4-10, the county auditor must certify with the secretary of state that all individuals required to be removed from the master registration list have been removed based on the information available to the county auditor at the time the certification is submitted. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form to certify the accuracy of the master registration list.

12-4-19. Address verification request--Confirmation mailing--Exception.

Any voter in the active registration file who has failed to vote, has not updated the voter's registration information, and has not replied to a confirmation mailing at least once during the last preceding four consecutive years shall be sent a nonforwardable return-if-undeliverable address verification request. If the request is undeliverable then a confirmation mailing prescribed by the State Board of Elections shall be sent. If a county auditor has determined through a national change of address licensee of the United States Postal Service that the address of a voter who is to be sent an address verification request has changed, the confirmation mailing may be omitted. This process shall be performed by each county auditor from January first to November fifteenth, inclusive, of each odd-numbered year.

12-4-19.2. Placement in inactive registration file by auditor.

If the card is not returned to the county auditor within the stated time limit or is undeliverable, the county auditor shall move the voter to an inactive registration file.

12-4-19.1. Confirmation mailing notice to registrant of proposed registration cancellation--Postcard and return card--Contents.

The confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card within thirty days or the voter's registration will become inactive. The card shall also state that if the information on the return card is not correct, the voter shall send the correct information to update the voter's registration or the voter's registration will become inactive. If the card is returned indicating a new address in another county in South Dakota or another state, the card shall serve as a cancellation authorization. The card shall also give information on reregistering if the voter has moved to another county or state. The card shall give the information about the voter as it appears in the registration records.

12-4-19.4. Cancellation of voter registration.

If a voter placed in the inactive registration file does not vote by the second general election following the confirmation mailing, the registration shall be canceled. This determination shall be made between January first and November fifteenth of every odd-numbered year.

12-4-19.6. National change of address notice.

The national change of address notice shall be sent by forwarding service requested to each voter in the active registration file who has failed to vote, has not updated the voter's registration information, has not replied to a confirmation mailing at least once during the last preceding four consecutive years, and has had a national change of address within the jurisdiction with the United States Post Office. This process shall be performed by each county auditor from January first to November fifteenth, inclusive, of each odd-numbered year.

12-4-19.7. Voter registration list maintenance confirmation mailing notice--Contents.

The voter registration list maintenance confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned. In addition, the card shall state that if the information on the return card is correct, the voter shall sign and return the card by the voter registration deadline of the primary election or the voter's registration becomes inactive. The card shall also state that if the information on the return card is not correct, the voter shall send the correct information to update the voter's registration or the voter's registration becomes inactive. If the card is returned indicating a new address in another county in South Dakota or another state, the card shall serve as a cancellation authorization. The card shall also give information on reregistering if the voter has moved to another county or state. The card shall give the information about the voter as the information appears in the registration records.

12-4-40. Identification of duplicate voter registration--Notification.

The secretary of state may use the statewide voter registration file to identify any duplicate voter registration within the state. If the secretary of state has determined that there is a duplicate voter registration, the secretary of state shall notify the county whose official master registration file contains the oldest duplicate registration and such county shall remove the person from the voter registration file. If the secretary of state has identified a potential duplicate voter registration, the secretary of state shall notify the person registered in the county whose official master registration file contains the oldest potential duplicate registration. The secretary of state shall notify such person in a manner consistent with the provisions of § 12-4-19.1.

12-4-56. Voluntary removal of the name of a registered voter--Promulgation of rules.

A person registered to vote, pursuant to this chapter, may request that the auditor of the county in which the voter resides remove the person's name from the master registration list. If a person makes a request pursuant to this section less than fourteen days prior to an election, the removal of the individual's name is effective on the day after the election. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form to be used by a person requesting the removal of the person's name from the master registration list.

[The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

List of voter registration statuses and their definitions

[Link to Statutes](#)

| Registration Statuses | |
|--|---|
| Active - If a statute refers to registered voters, it does not include those in the inactive registration file unless specifically included. | 12-4-34. |
| Inactive - If the [confirmation] card is not returned to the county auditor within the stated time limit or is undeliverable, the county auditor shall move the voter to an inactive registration file. | 12-4-19.1 12-4-19.2. |
| Canceled .-- Voter has been removed from the master registration list. | 12-4-18 |

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

South Dakota law was written, effective July 1, 2003, to comply with HAVA Section 402. [South Dakota Codified Law 12-1-21 thru 12-1-30](#) provides the procedure for the administrative complaint process. Initial complaints are resolved by the State Board of Elections using an existing administrative complaint process. The alternative dispute process involves judicial appointment of an arbitrator to resolve the complaint.

[12-1-21. Complaints filed under the Help America Vote Act.](#)

The State Board of Elections shall resolve any complaint filed under Section 402 of the Help America Vote Act of 2002, as of January 1, 2003, in accordance with the contested case provisions of chapter 1-26. The complaint shall be signed, notarized, and filed with the secretary of state. The board shall resolve the complaint within ninety days of its filing. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, governing the procedure for the complaint process.

How do I file a non-HAVA election complaint?

[Link to Statutes](#)

Concerns about the election process may be directed to [County Auditors](#) or the [Secretary of State office](#).

If you believe an election crime has been committed, please file a report with law enforcement.

Who can I contact regarding an election related complaint?

| Secretary of State's Office—Election Services | |
|--|--|
| Physical Address: | Secretary of State Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070 |
| Mailing Address: | Secretary of State, Division of Elections Capitol Building 500 East Capitol Avenue, Ste 204 Pierre, SD 57501-5070 |
| Phone Number: | 605-773-3537 |
| Fax Number: | 605-773-6580 |
| E-mail: | HAVA@state.sd.us |

| South Dakota Office of the Attorney General | |
|--|---|
| Physical Address: | Division of Criminal Investigation 1302 E Hwy 14, Suite 5 Pierre SD 57501-8505 |
| Mailing Address: | Division of Criminal Investigation 1302 E Hwy 14, Suite 5 Pierre SD 57501-8505 |
| Phone Number: | 605-773-3331 |
| Fax Number: | 605-773-4629 |
| E-mail Webform: | https://atg.sd.gov/Contact.aspx#gsc.tab=0 |