



2023 South Dakota Legislature

House Bill 1106

HOUSE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Representative Mulally**

1 **An Act to revise certain provisions regarding voter registration records.**

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

3 **Section 1. That § 12-4-18 be AMENDED:**

4 **12-4-18.** The clerk of courts shall, within fifteen days after the close of each
 5 month, prepare ~~and deliver to the auditor~~ an abstract from the records of the names of
 6 persons declared mentally incompetent in the preceding month. ~~The notice clerk of courts~~
 7 ~~shall be sent~~ send the name to the county auditor of the county in which the person
 8 declared incompetent resides.

9 The county auditor shall remove from the master registration list ~~the~~:

10 (1) The names of persons identified as mentally incompetent in accordance with the
 11 information provided pursuant to this section; ~~and~~

12 (2) The names of those sentenced to imprisonment in the federal penitentiary system;
 13 ~~and may remove~~

14 (3) The names published in an obituary.

15 ~~Voter~~ The secretary of state shall match voter registration records maintained in or
 16 transmitted to the statewide voter registration file ~~shall be matched~~ with the death records
 17 maintained as vital statistics records by the Department of Health, the social security
 18 death index, the Social Security Administration master death file, and the records of felony
 19 convictions maintained by the Unified Judicial System each month. Any voter identified as
 20 deceased ~~or~~, as mentally incompetent, or who is serving a sentence for a felony conviction
 21 ~~shall~~ must be removed from the voter registration records. The State Board of Elections
 22 may promulgate rules, pursuant to chapter 1-26, determining how voter registration
 23 records shall be matched.