

## **Registering Voters in South Dakota**

### **STATE LAW**

- Be sure that the voter is indeed eligible to register to vote. The qualifications are listed in the instructions on the registration form and in the oath which is signed by the voter.
- Make sure that the registration form is fully completed. It is very important to have a complete residence address or physical description of where the voter lives for the county auditor to place the voter in the correct voting precinct.
- If the person completing the registration form is currently registered to vote, they must complete the cancellation portion of the form also.
- All private entities or individuals registering voters must provide the voter their contact information. [SDCL 12-4-3](#)
- All private entities or individuals registering voters shall file the completed registration form with the county auditor within **ten days or by the voter registration deadline, whichever occurs first**. A violation of this is a Class 2 misdemeanor. [SDCL 12-4-3.2](#)
- The deadline for registration forms to be returned to the county auditor in order for the person registering to be able to vote in the next election is 15 days prior to that election. The auditor's office closes at 5:00pm. It is imperative that every registration card which you are responsible for returning be received by the county auditor by that deadline. If a card is not returned by that deadline the voter will be disenfranchised for that election and you, as the person responsible for returning the completed card, may be held legally responsible. The National Voter Registration Act provides penalties for obstructing the registration process..
- No person may employ, reward, or compensate any person to register voters based on the number of voters registered. Nothing in this section prohibits any person from hiring a person paid on an hourly or salaried basis to register voters. Any violation of this section is a Class 2 misdemeanor. [SDCL 12-4-52](#)
- No person may receive any wages, reward, or compensation for registering voters based on the number of voters registered. Nothing in this section prohibits any person from being employed on an hourly or salaried basis to register voters. Any violation of this section is a Class 2 misdemeanor. [SDCL 12-4-53](#)

### **FEDERAL LAW**

- A person, including an election official, who in any election for Federal office—
  - knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—
    - registering to vote, or voting, or attempting to register or vote;
    - urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or
    - exercising any right under this Act; or
  - knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—
    - the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or
    - the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

## **Registering Voters in South Dakota**

### **Felony Convictions On or After July 1, 2012:**

Under South Dakota Codified Law § [12-4-18](#), a person convicted of a felony in either federal or state court on or after July 1, 2012 loses the right to vote. A person so disqualified becomes eligible to register to vote upon completion of his or her entire sentence. A person who receives a suspended imposition of sentence does not lose the right to vote.

### **Felony Convictions On or Before June 30, 2012: Impact of State and Federal Felony Convictions on Voting Rights**

#### **Federal**

1. Individuals who are convicted of a felony in federal court and sentenced only to probation retain the right to vote.
2. Individuals who are convicted of a felony in federal court and sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who are convicted of a felony in federal court and sentenced to a term of imprisonment lose the right to vote. The loss of voting rights continues for as long as the individual is serving a term of imprisonment including supervised release.

#### **State**

1. Individuals who are convicted in State court of a felony and sentenced only to probation retain the right to vote. A sentence of probation only may include fines, fees, restitution and other conditions associated with the sentence of probation.
2. Individuals who are convicted of a felony in State court and sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who receive a suspended imposition of sentence on a felony in State court retain the right to vote.
4. Individuals who are convicted in State court of a felony and receive a suspended execution of sentence to the adult state penitentiary system lose the right to vote during the term of the suspended sentence.
5. Individuals who are convicted in State court of a felony and receive a sentence to the adult state penitentiary system lose the right to vote during the term of imprisonment. The loss of voting rights continues as long as the individual is physically incarcerated or on parole.
6. Juveniles adjudicated as delinquent or as a child in need of supervision and sentenced to incarceration in a juvenile detention facility retain the right to vote once they have reached eighteen years of age.