



2025 South Dakota Legislature

House Bill 1062

Introduced by: **Representative Baxter**

1 **An Act to amend provisions pertaining to the maintenance and publication of the**
 2 **statewide voter registration file.**

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

4 **Section 1. That § 12-4-9 be AMENDED:**

5 **12-4-9.** ~~The county auditor shall maintain and safeguard a file of voters in~~
 6 ~~computer format that contains the information of each person registered in each voting~~
 7 ~~precinct within the county. This file shall be known as the master registration file and shall~~
 8 ~~be, at all times during office hours, open to public inspection. However, public access to~~
 9 ~~social security numbers, driver license numbers, and dates of birth contained in the master~~
 10 ~~registration file is prohibited. The master registration file shall contain all information from~~
 11 ~~each voter's registration card. The master registration file shall also include the date of~~
 12 ~~the last election the voter has voted in and when the voter's information was last updated.~~
 13 ~~The master registration file may also contain additional voter history information. Any~~
 14 digital master registration file that contains:

- 15 (1) The information from the voter registration card of each individual registered to
 16 vote in the county;
 17 (2) The dates of the last four elections at which the individual has voted;
 18 (3) The date when the individual's voter information was last updated; and
 19 (4) Any application made by an individual to vote by absentee ballot, including:
 20 (a) The mailing address listed on the absentee ballot application form;
 21 (b) The absentee ballot requested on the application;
 22 (c) The date the absentee ballot was requested;
 23 (d) The date that the absentee ballot was returned; and
 24 (e) The method of absentee voting employed by the individual.

1 The master registration file must be open to public inspection, free of charge. An
2 individual's social security number, driver license number, South Dakota nondriver
3 identification number, or date of birth is not open to public inspection.

4 The county auditor shall produce a record of all the information contained in the
5 master registration file the day before any election scheduled within the county by 11:59
6 p.m. The county auditor shall maintain a rolling five-year archive of historical information
7 from the master registration file.

8 The county auditor shall keep a voter registration form for a purged or unregistered
9 voter—shall be kept for twenty-two months. No purged or unregistered voter may be
10 included in the master registration file.

11 **Section 2. That § 12-4-37 be AMENDED:**

12 **12-4-37.** The secretary of state shall establish and maintain a computerized
13 system for maintaining and utilizing the voter registration file ~~and transmitting voter~~
14 ~~registration information from each county auditor to the Office of the Secretary of State.~~
15 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, ~~to develop~~
16 ~~and implement~~ establishing procedures to secure the computerized system used for the
17 voter registration file from external threats that could damage the integrity of the voter
18 registration system.

19 Each county auditor shall transmit daily any changes to the master registration file
20 or the absentee voter log to the secretary of state ~~on a daily basis~~ using the computerized
21 system maintained by the secretary of state. The county auditor shall transmit updated
22 information contained in the county voter registration system, including voter registration
23 information and voter election history information, to the ~~Office of the Secretary of State~~
24 secretary of state not later than July fifteenth after each primary election and December
25 fifteenth after each general election.

26 The secretary of state shall publish a weekly update to the statewide voter
27 registration file on the secretary's website. The weekly update to the statewide voter
28 registration file must be recorded each Monday by 11:59 p.m. and must contain any
29 updates to the information in the county master registration file, pursuant to § 12-4-9.

30 **Section 3. That a NEW SECTION be added to chapter 12-4:**

31 The secretary of state shall establish and maintain a rolling five-year historical
32 archive of the complete statewide voter registration file, including the weekly updates
33 published by the secretary pursuant to this section.

1 The information contained in or the historical archive of the statewide voter
 2 registration file must be made available free of charge, to an individual who:

3 (1) Is registered as a voter of this state, pursuant to this chapter; and

4 (2) Provided a valid email address when registering as a voter.

5 An individual's social security number, driver license number, South Dakota
 6 nondriver identification number, and date of birth contained in the historical archive of the
 7 statewide voter registration file are not open to public inspection.

8 **Section 4. That § 12-4-39 be AMENDED:**

9 **12-4-39.** The secretary of state ~~may~~ shall promulgate rules, pursuant to chapter
 10 1-26 ~~concerning, providing for:~~

11 (1) ~~Procedures for the establishing~~ The establishment and maintenance of the
 12 statewide voter registration file;

13 (2) ~~Transmission of~~ The transmission of the voter registration information from the
 14 county ~~auditor~~ to the ~~Office of the Secretary of State~~ secretary of state;

15 (3) ~~Procedures for determining~~ The identification of duplicate voter registration; and

16 (4) ~~Dissemination of~~ The publishing of the information from the statewide voter
 17 registration file; ~~and~~

18 (5) ~~Establishment of fees for information provided from the statewide voter~~
 19 registration file.

20 **Section 5. That § 12-4-41 be AMENDED:**

21 **12-4-41.** Any information obtained from the statewide voter registration file or
 22 any county voter registration file may not ~~be used or sold only for election purposes,~~ may
 23 not be used for any commercial purpose, and may not be placed for unrestricted access
 24 on the internet. For the purpose of this section, the term, commercial purpose, does not
 25 include campaign or political polling activities.

26 Any violation of this section is a Class 1 misdemeanor. In addition to any criminal
 27 sanctions, the court may impose a civil penalty not to exceed two thousand dollars for
 28 each violation. Any civil penalty collected pursuant to this section ~~shall~~ must be deposited
 29 in the general fund.