



2024 South Dakota Legislature

Senate Bill 119

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Bordeaux**

1 **An Act to permit the use of tribal identification cards when registering to vote.**

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

3 **Section 1. That a NEW SECTION be added to chapter 12-4:**

4 At the request of a federally recognized Indian tribe located wholly or partially
 5 within the state, the secretary of state shall inform the tribe of the criteria needed to enter
 6 into a memorandum of understanding to allow a tribal identification card number to be
 7 used on the application for voter registration.

8 **Section 2. That § 12-4-5.4 be AMENDED:**

9 **12-4-5.4.** Any person registering to vote shall provide the person's valid South
 10 Dakota driver license number, a tribal identification card number, if the tribe issuing the
 11 card has entered into a memorandum of understanding with the secretary of state
 12 pursuant to section 1 of this Act, or a South Dakota nondriver identification number on
 13 the voter registration form. If a person does not have a valid South Dakota driver license,
 14 a tribal identification card, or a South Dakota nondriver identification number, the person
 15 ~~shall~~ must provide the last four digits of the person's social security number on the voter
 16 registration form. If a person does not have a valid South Dakota driver license, a tribal
 17 identification card, a South Dakota nondriver identification number, or a social security
 18 number, the person may only register at the county auditor's office and ~~shall~~ must sign a
 19 statement verifying ~~the fact~~ that the person does not have a valid South Dakota driver
 20 license, a tribal identification card, a South Dakota nondriver identification number, or a
 21 social security number. The statement ~~shall~~ must be prescribed by the State Board of
 22 Elections.

23 For purposes of this section and § 12-4-5.5, the term "tribal identification card"
 24 means an unexpired identification card issued by a South Dakota tribal government of a
 25 tribe recognized by the Bureau of Indian Affairs during the time a memorandum of

1 understanding is in place between the tribe and the secretary of state pursuant to section
2 1 of this Act, and that contains the legal name, date of birth, signature, unique
3 identification number, and picture of the enrolled tribal member.

4 **Section 3. That § 12-4-5.5 be AMENDED:**

5 **12-4-5.5.** At the time voter registration information is transmitted from a county
6 to the statewide voter registration file, the secretary of state shall verify the authenticity
7 of ~~the~~a driver license number or ~~the~~a South Dakota nondriver identification number with
8 the driver license database. The secretary of state shall verify the authenticity of a tribal
9 identification card number with the tribal government that issued the card. If the last four
10 digits of the person's social security number have been provided, the secretary of state
11 shall review the social security database to determine that the number, name, and date
12 of birth are accurate and that this information belongs to the person. If any of this
13 information is reported as not being accurate, the county auditor must withdraw the voter
14 registration and attempt to get the correct information with the process provided in § 12-
15 4-5.3. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
16 determining technical parameters for the driver license and social security database
17 verification and the process for verifying the authenticity of a tribal identification card.

18 **Section 4.** This Act is effective beginning January 1, 2025.