

Residency Qualifications for Registering to Vote

Definition of Residency for Voter Registration (SDCL 12-1-4)

For the purposes of this title ([Title 12](#)), the term, residence, means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return.

A person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence.

A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving.

If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in this state.

Overseas Citizens

12-4-4.3. Overseas citizen defined.

An "overseas citizen" is any person residing outside the territory of the United States of America including its territories and possessions, and who is a citizen of the United States.

12-4-4.4. Registration and voting by overseas citizens - Conditions.

Any overseas citizen shall have the right to register and vote in any federal, state, county or local election held within South Dakota under the following conditions:

1. The overseas citizen or the spouse of the overseas citizen was last domiciled in South Dakota immediately prior to departure from the United States.
2. The overseas citizen does not maintain a domicile, is not registered to vote and is not voting in any other state.
3. The overseas citizen is otherwise qualified to vote according to law.

12-4-4.5. Absentee registration and voting in last county and precinct of residence.

The overseas citizen shall be allowed to register and vote absentee in the same county and election precinct in which the overseas citizen or spouse of the overseas citizen resided immediately prior to leaving the United States.